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Agenda for Licensing & Enforcement Committee Wednesday, 21 November 2018; 9.30am

[Members of the Committee](#)

Venue: Committee Room, Knowle, Sidmouth, EX10 8HL

Contact: [Chris Lane](#), 01395 571544 (or group number 01395 517546): Issued 12 November 2018

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- 1 Minutes for 22 August 2018 (pages 3-6)
- 2 Apologies
- 3 [Declarations of interest](#)
- 4 [Matters of urgency](#) – none identified
- 5 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Part A - Matters for Decision

- 6 Committee Update -
Licensing Act 2003, Gambling Act 2005, Taxis & General Licensing
(Pages 7-14)
- 7 Adoption of current Gambling Policy (Pages 15-176)
- 8 Changes to section of the current alcohol Licensing Policy
(Pages 177-180)
- 9 Conclusion to changes to the Taxi Policy (Pages 181-186)
- 10 The Animal Welfare (Licensing of Activities involving
Animals)(England)Regulations 2018 (Pages 187-290)



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EAST DEVON DISTRICT COUNCIL

Minutes of a Meeting of the Licensing & Enforcement Committee held at Knowle, Sidmouth on Wednesday, 22 August 2018

Attendance list at the end of the document

The meeting started at 9.30am and ended at 10.15 am

*5 Minutes
The minutes of the meeting of the Licensing & Enforcement Committee held on 23 May 2018, were confirmed and signed as a true record.

*6 Declarations of interest
Councillor Steve Hall
Minute *7
Disclosable Pecuniary Interest – Private Hire Licence Holder

Councillor John O’Leary
Minute *7
Disclosable Pecuniary Interest – Designated Premises Supervisor

*7 Committee update – Licensing Act 2003, Gambling Act 2005 and General Licensing
The Licensing Manager presented his report - the following issues were highlighted and discussed.

1. Licensing Act 2003

Over the previous period relating to this report officers had issued 413 licenses relating to new and variations of licensed premises, personal alcohol licenses and temporary event notices (TEN’s) throughout the district.

Part of the work undertaken by the licensing team involved visiting licensed premises to ensure that licensing laws were adhered to by licence holders and their staff. For the period from May to August 2018 the team completed 27 visits to premises. On 18 July an officer visited the ‘Honiton Gate to Plate’ event in Honiton, inspecting temporary licensed stalls and also licensed premises in the town. The event was attended by the HRH Prince of Wales and the Duchess of Cornwall.

2. Gambling Act 2005

The licensing team had continued its work to ensure gaming machine permits were submitted on the occasions when licensees left and took over a premises licence. The licensing team works in conjunction with the Gambling Commission and on 24 May a joint visit was conducted to a holiday park regarding a new gambling application. An officer visited the licensed gaming premises with staff from the Gambling Commission to assess the layout and the progress of the application. The premises was found to be operating correctly and within the requirements of the Gambling and Licensing Acts.

During the forthcoming quarter, the licensing team would be undertaking visits to public houses in conjunction with a nationwide initiative arranged by the Gambling Commission to assess compliance and suitability of gaming machines sited in public houses. The initiative was to consider how, where and the suitability of gaming machines in public houses and further details will be reported to the Committee in November.

Taxis

Members noted that the majority of private hire driver, vehicle and operator licences still fell due for renewal at the end of May annually. Officers had completed the main renewal period and currently there were 14 private hire operators, 21 private hire vehicles and 21 private hire drivers licensed in the district.

The licensing team had continued to carry out checks and inspections of hackney carriage vehicles whilst parked on the taxi ranks within the East Devon area ensuring that licensed vehicles complied with legislation and met the required safety standards. Licensing officers also inspect each new vehicle when submitted by applicants to be licensed as a taxi or private hire vehicle. Compliance inspections for vehicles have been undertaken at ranks in Exmouth, Sidmouth, Axminster and Honiton.

The request by some sections of the taxi trade in past meetings had been to seek a review of fares that could be charged by hackney carriage proprietors was being progressed. Officers had prepared a comparison table of current fares set by this and other authorities in Devon, which was attached to the report as Appendix A. The comparison took into account the position of highest to lowest fares set by licensing authorities in England and Wales based upon the first two miles charged. The comparison should assist the trade and over the forthcoming period officers would circulate the fares comparison along with a letter to ballot holders of a hackney carriage licence. The letter would seek views of licence holders as to whether a rise in taxi fares was required and an update would be provided to the members at the new Committee meeting in November.

Officers had researched options to introduce safeguarding awareness briefings for hackney carriage and private hire drivers. Protecting and safeguarding children and vulnerable adults in society was essential and it was recognised that the taxi trade could provide vital support through their work at various hours of the day and night. Contact had been made with a number of training providers identifying varying costs to deliver sessions. These would be delivered to taxi drivers, initially on a voluntary basis.

It was noted that on 23 May a meeting of the Licensing & Enforcement Sub Committee was held to make a decision to revoke the licence of a hackney carriage driver. This decision has subsequently been appealed and would be heard in the Exeter Magistrates Court on Wednesday 29 August.

An issue regarding what was seen as excessive charging for some late night taxi fares was raised and the Licensing Manager agreed to prepare a press release asking members of the public to be wary of instances of overcharging by taxi drivers, particularly late at night.

3. General Licensing

Following the introduction of a new street trading regime in October 2017 with further revisions to the policy approved by the Committee in March 2018, there had been 148 street trading consents granted. The majority since April with most being for short term events and festivals where organisers had applied using block booking arrangements. On 11 July officers from the licensing and street scene services met to consider further changes in the application process that would assist applicants in the future. Plans included revising application forms to allow one

form for traders to submit together with an application portal for events on the council's website. This was a step towards a one stop application process.

On 25 July officers from the licensing and environmental health services met to consider joint working arrangements and improving consultation processes for new applications. The officers were planning briefing packs for new applicants, support to organisers of community/charitable events and revised guidance to food sellers undertaking one off events that do not require food hygiene ratings. Whilst there remains no consideration to charge fees for short term charitable and community events occurring for less than seven days there maybe grounds to review and introduce fees for new commercial trading applications in 2019 and upon renewal of those currently granted. Fees will be subject of a further full report at the next meeting of the Committee in November.

Steve Saunders, Licensing Manager, confirmed that all Councillors should now be notified of new Street Trading applications within their ward.

4. Consultations and Partnership Working

Officers attend Licensees meetings within the East Devon area whenever possible as it was felt that these meetings should be supported and were a useful forum for the exchange of ideas, information and keeping up to date with issues within each area. Officers have attended licensees meetings over the previous period in Exmouth, Sidmouth and Axminster.

Officers attend licensing liaison meetings on a regular basis with the police licensing team to exchange information and discuss licensing issues within the East Devon area. This exchange of information is considered useful when specific problems or incidents involving licensed premises require joint investigation or premises visits.

The Licensing Service were also keen on reducing plastic waste in events licensed by them and were taking measures to ensure reduction of one use plastics at such events.

5. Licensing Team update

Following recruitment of an officer for street trading work the structure of the team now consists of the manager, three licensing officers and three licensing support officers.

RESOLVED:

1. that the report be noted;
2. that the Licensing Manager prepare a press release asking members of the public to be wary of instances of overcharging by taxi drivers, particularly late at night.

*8 Taxi Licensing Policy – To seek approval to revise the policy on points of relevance

The report updated the Licensing & Enforcement Committee on the proposal to revise the current taxi policy in line with recent legal updates to remove the requirement for Private Hire Vehicles to work predominantly in the district where licensed and to update a website.

In response to a request from a Councillor, the Licensing Manager agreed to update the website to include taxi fares and the different charges for the different times of day.

RESOLVED: that from 22 August 2018 that the Committee adopts changes to the current taxi policy:

- a) to remove the requirement for Private Hire Vehicles licensed in East Devon to operate predominantly within the District;
- b) to amend the internal website link to relevant legislation regarding the Equality Act 2010;
- c) to amend the points of access for those vehicles licensed as Wheelchair Access Vehicles..

Attendance list

Councillors present

Steve Hall (Chairman)
John O’Leary (Vice Chairman)
Megan Armstrong
Brian Bailey
Colin Brown
Maddy Chapman
Jim Knight
Cherry Nicholas
Pauline Stott

Councillors also present

Councillor apologies:

Matt Booth
Paul Carter
Steve Gazzard
Geoff Jung
Bruce de Saram

Officers present

Giles Salter Solicitor
Steve Saunders, Licensing Manager
Lucy Maxwell. Licensing Support Officer
Chris Lane, Democratic Services Officer

Chairman Date

Report to: **Licensing and Enforcement Committee**

Date of Meeting: 21 November 2018

Public Document: Yes

Exemption: None



Agenda item: 6

Subject: **Committee Update -
Licensing Act 2003, Gambling Act 2005, Taxis & General
Licensing**

Purpose of report: The report provides an update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005, Taxi legislation and General Licensing including Street Trading.

Recommendation: **That the report be noted**

Reason for recommendation: To keep the Council's statutory committee up to date with current arrangements relating to the Licensing Service.

Officer: Steve Saunders, Licensing Manager

Financial implications: There are no financial implications.

Legal implications: There are no legal implications requiring comment.

Equalities impact: Low Impact

Risk: Low Risk

Appendices:

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place

1 Licensing Act 2003

1.1 Applications Received, Licences Issued and Notices Given

1.1.1 Over the previous period relating to this report officers have received and issued 306 licences relating to new and variations of licensed premises, personal alcohol licences and temporary event notices (TEN's) throughout the district.

1.1.2 Work undertaken by the licensing team involves visiting licensed premises ensuring compliance with licensing laws and during the previous quarter the team completed 39 premises visits across the district. The summer months represent a demanding period for the licensing team as licensed festivals and outdoor require visits whilst taking place.

1.1.3 Officers were involved during the Sidmouth Folk Week held this year between 3rd and 10th August and attended various venues licensed by Folk Week organisers as well as general licensing visits to other premises within the town. All venues subject of alcohol licensing

arrangements were found to be operating in compliance of the law. The closure of one late night licensed premises in the town earlier this year resulted in another licensed premises adopting later licensing hours by submitting a temporary event notice. Reports were received by the authorities and in local press regarding noise related problems which licensing staff reviewed along with local police, environmental health and police licensing. It was established there was no requirement for formal action by reviewing the premises licence although environmental health officers subsequently objected to further temporary event notice relating to a later event at the same premises. Officers also oversaw the trading pitches on the sea front esplanade that are subject of street trading consents issued earlier in the year and which is reported later under street trading.

- 1.1.4 Officers also attended the first day of the Beautiful Days Festival at Escot, near Honiton and the Blackdown Hills Beer Festival near Smeatharpe (combining with the last days of Sidmouth Folk Week). These events are controlled and licensed through 'time limited' premises licences issued by the licensing team in the months leading up to each event. This year both events were subject of Safety Advisory Group (SAG) meetings chaired by this council.

1.2 Hearings

- 1.2.1 The licensing authority continues to offer mediation when representations have been made against new licensing applications to clarify whether an agreed position can be reached between objectors and applicants. These mediation meetings are often successful and can reduce the number of contested hearings before the licensing sub-committee.
- 1.2.2 On 8 August 2018 a mediation meeting was managed by officers concerning an application at a licensed premises in Budleigh Salterton following 41 representations being received. The applicant agreed to revise certain aspects of the application notably for live music outside the building. At a meeting of the Licensing and Enforcement Sub-committee was held on 22 August to consider and grant the licence with one resident who had objected attending the meeting. The work by the officers in mediation shows the benefits of conducting this work.

2 Gambling Act 2005

2.1 Applications Received, Licences Issued and Notices Given

- 2.1.1 The licensing team has continued its work to ensure gaming machine permit notifications are submitted on the occasions when licensees leave and take over a premises licence.
- 2.1.2 A new gambling licence application was received in September from an existing licence holder to address changes in management of the licence rather than changes to the premises. Officers worked with the applicant and with staff from the Gambling Commission to resolve issues that were initially relevant upon receipt of the application. Licensing officers work closely with staff from the Gambling Commission when considering new applications and officers will undertake joint inspections to premises subject of new and renewal applications
- 2.1.3 Following approval by this committee at an earlier meeting, the consultation for the Council's Gambling Policy ended on 26 October and will be subject of a separate report.

2.2 Enforcement

- 2.2.1 The programme of visits to licensed premises and other premises where gaming is permitted continues and whenever a licensed premises inspection occurs, the existence of gaming machines and any issues of compliance are duly considered and inspected. The licensing team assess compliance and suitability of gaming machines sited in public houses and to date it has not been necessary to take enforcement action.
- 2.2.2 The Gambling Commission provides guidance and support to local authorities and staff attend licensing forums together with circulating a monthly bulletin regarding changes in

gambling legislation, national trends, statistics and for any enforcement action taken. The bulletin can be viewed online at <https://www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-October-2018.pdf>

- 2.2.3 The October bulletin from the commission outlined that 121 licensing authorities had not undertaken any visits to gambling premises during the year 2017/18 although this authority continues to conduct proactive inspections of licensed gambling premises in East Devon.

3 Taxis

3.1 Applications Received and Licences Issued

- 3.1.1 Although applicants can apply for hackney carriage licences throughout the year, there remains a majority of licence holders for whom their driver and vehicle licences expire annually on 31st October. As a result officers have completed a significant amount of work receiving and issuing over 200 driver and vehicle renewal applications during October.
- 3.1.2 Officers utilised more online verification processes this year than anytime previously checking MOT certificates, vehicle excise licence and DVLA driving licence check codes through the GOV.UK website to reduce the amount of paperwork that licence holders need to provide. There was also a drive to minimise need for applicants to visit the council offices although officers will provide support in completing applications and online forms.
- 3.1.3 Every October renewal period sees a small number of licence holders retiring or leaving the trade and deciding not to renew their licences. However the number has increased this year with 21 hackney drivers not renewing representing over 10% of the total number of licensed hackney drivers in East Devon for the year of 2017/18. Whilst the majority of those take the opportunity to retire, a small number have taken up licences with Exeter City Council. There are currently **180** hackney carriage drivers licensed in East Devon from 1 November 2018.
- 3.1.4 The new taxi policy provided the requirement to review licensed vehicles upon 14 years from date of manufacture and currently there are two licensed hackney vehicles. Both have been subject of an extra review and were considered suitable for renewal whilst a third vehicle was considered necessary for referral to the Licensing and Enforcement Sub-committee due to the appearance and visible condition. However prior to preparing arrangements the owner purchased a newer replacement vehicle and chose not to proceed to the sub-committee. The procedure for reviewing vehicles prior to reaching 14 years is regarded as operating well. Officers notify owners with sufficient time to arrange an inspection prior to renewal dates. The review of vehicles upon reaching 14 years maintains standards for the safety of the public.

3.2 Enforcement

- 3.2.1 The licensing team continues to carry out inspections of hackney carriage vehicles whilst parked on East Devon taxi ranks ensuring that vehicles comply with legislation and meet required safety standards. Officers also inspect new vehicles when submitted by applicants to be licensed. The number of checks undertaken each quarter can fluctuate due to other competing demands such as annual licence renewals.

3.3 Hearings

- 3.3.1 Members will be aware that on 23 May a meeting of the Licensing and Enforcement Sub-committee was held regarding a licensed hackney driver who was reported to have refused transport to partially sighted passengers and their assistance dogs in breach of equality laws. The incident occurred in North Somerset and during the course of the investigation officers established that the licence holder had worked continually outside of this area after gaining licences with East Devon but had submitted renewal applications still stating an intention to work in this district. The licence holder appealed the decision with a hearing occurring at

Exeter Magistrates Court on 29 August. The magistrates upheld the decision taken by the Licensing and Enforcement Sub-committee to revoke the licence and awarded costs in favour of the Council. The driver has since returned his driver and vehicles licences.

3.3.2 A meeting of the Licensing and Enforcement Sub-committee occurred on 17 October to determine whether a licensed hackney driver remained fit and proper to retain a licence after gaining 6 penalty points on his licence for use of a mobile phone whilst driving. Any current licensed hackney carriage or private hire driver whose DVLA licence shows 6 or more penalty points issued in a 1 year period (or 9 or more penalty points in a 3-year period) is required to take a driving standard assessment equivalent to the DVSA taxi driving assessment test. The licence holder had failed the driving test on three occasions and was referred to the Licensing and Enforcement Sub-committee. However upon arriving at the sub-committee hearing the driver provided a driving test pass certificate after taking a fourth test days before the meeting. The decision was taken that the driver retain his hackney driver licence on this occasion.

3.4 Taxi Policy

3.4.1 Members will be aware that the current taxi policy was adopted by the Council in 2017 modernising many aspects of the past policy. It is accepted that the policy may be subject of revision where appropriate following national changes in legislation or procedures. One such development under consideration will be the introduction of a National Register for licensing authorities regarding taxi revocations and refusals being in the final stages of implementation by the Local Government Association. This proposal will formalise procedures for sharing information between licensing authorities concerning applicants for licences that are revoked or refused. A separate report will be prepared in 2019 with more detailed information to allow members the option of signing up to this initiative which will also require revision of the policy.

3.5 Fares Charged by Hackney Carriages

3.5.1 At the previous meeting of this committee the members resolved that the Licensing Manager prepare a press release asking members of the public to be wary of instances of overcharging by taxi drivers, particularly late at night. This task is still to be concluded after it was considered suitable to deliver the information in conjunction with raising awareness for reviewing the fares that can be charged under point 3.5.2 to follow. The Licensing Manager met with the council's Communication Team regarding new methods of disseminating and delivering key messages to licence holders and to the public to take this forward in the next period and the resolution should remain in being until completed.

3.5.2 The request by some sections of the taxi trade in past meetings seeking a review of the fares that can be charged by hackney carriage proprietors is being progressed and at the last meeting it was agreed to circulate a comparison of current fares along with a letter balloting views of licence holders. Feedback has been received from taxi proprietors who asked that the ballot letter be circulated after the October renewal period ended to allow licence holders to concentrate and respond after arranging their licence renewals. Officers acknowledged this request and the letters were sent out in early November but being too late to report the findings back for this meeting. The outcome of the responses will be further reported to this committee and by arranging a later meeting with the trade members.

3.6 Safeguarding Awareness Training

3.6.1 Officers have continued to prepare plans to introduce safeguarding awareness briefings for hackney and private hire drivers (new and existing licence holders) in line with protecting safeguarding children and vulnerable adults in society as the taxi trade can provide vital support through their work at various hours of the day and night.

3.6.2 Following approval at the previous meeting contact has been made with an established training provider who delivers safeguarding awareness sessions to licensed drivers in other Devon authorities. The proposed dates for awareness sessions have been identified in February and March next year, the venue will be in accordance with the relocation of council offices. The need to properly inform East Devon licensed drivers and to raise awareness of the sessions in the months ahead will be key to the attendance and success of this initiative. It will be in the interest for licenced drivers to attend one of the free sessions being planned before becoming a mandatory requirement later in 2019.

4. General Licensing – Street Trading Consents

4.1 Applications Received Street Trading Consents Issued

4.1.1. Members will be aware that this Council introduced the street trading policy in October 2017 with further changes approved in March 2018 which now regulates street trading under consent rather than previously being uncontrolled or occurring in locations that where it was prohibited. Regulating and controlling street trading ensures food vendors meet required hygiene standards through consulting Environmental Health officers along with addressing proposed trading locations that present dangers and risks to the public.

4.1.2 173 street trading consents have been granted by the licensing team over the last year, the majority since April and most being for short term events where organisers applied using block booking arrangements. Less than ten percent of applications granted have been to commercial food vendors (pizza, fish and chips vans and similar) with 12 consents granted to business traders operating weekly and continually throughout the year. The block booking arrangement allows traders to submit their own details, with multiple traders attending events and the highest number being 90 traders at one event. Experience has revealed that short term events generally involve 20 to 50 traders.

4.1.3 During summer months officers saw an increase in applications from commercial food sellers applying to trade at locations in villages along the A376 corridor in the west of the district. Over the last quarter the trend has changed with an increase in commercial food sellers seeking to trade in Cranbrook. A recent application from a food seller resulted in Cranbrook Town Council providing its response to a consultation in October and although not formally objecting, the councillors raised concerns that Cranbrook is one of ten NHS Healthy New Town demonstrator sites along with signing up to a regional Public Health initiative. The licensing team will continue to consult with town and parish councils providing a 28 day consultation period that allows new applications to be fully considered at council meetings.

4.2 Enforcement

4.2.1. The Council has a Regulatory Enforcement and Prosecution Policy which licensing officers work in obedience by providing advice and guidance to new applicants as the first approach to secure compliance. Over the previous period, officers have undertaken visits to locations where an unlicensed trader was operating on a public highway. As tacit consent cannot be given under the street trading policy, the food trader ceased trading after information was provided allowing submission of a street trading application. Officers continue to guide and inform unlicensed traders who may be unaware of the need to seek consent before trading.

4.2.2 The recruitment of a street trading officer in early July culminated at the peak time for summer trading events. The Sidmouth Folk Week event took place in August and all the sea front pitches were allocated under the process that has operated since 2008. Officers worked long hours with a presence in the town from 7am over all eight days and working into the evenings. A few traders were required to remove unsuitable trading gazebos on the first day of set-up and officers maintained a daily presence to ensure compliance with the conditions.

- 4.2.3 The majority of the feedback from the general public in relation to the street trading has again been positive and was evident from the large numbers visiting the stalls. However as is not uncommon some adverse comments were received about restricting areas against the sea railing for use by buskers as it can block foot fall of pedestrians. Use of amplified music in the Market Square is not permitted and one band was subject of complaints from local businesses being addressed by colleagues from Environmental Health teams who engaged with one band. Please also see paragraph 5.4.2. of this report for further information on the use of the Esplanade during Folk Week.
- 4.2.4 The extended summer heatwave during Sidmouth Folk Week saw a higher number of visitors along with a concentration of pedlars attending the town with a number being spoken to by officers. Although licensed pedlars are legally exempt from street trading, the exemption only exists for pedlars who move from place to place. Those remaining in one location to trade would require a street trading consent. Pedlar licences are only granted by the police who can also impose fines and penalties and officers from the licensing team will meet with local police officers in November to consider planning and enforcement arrangements for unlicensed pedlars in the Market Square next year. Despite the continued support of the local police Sergeant and his officers from Sidmouth it has been evident that the police are increasingly challenged to maintain the resources that are necessary through the week.

4.3 Street Trading Policy Review

- 4.3.1. At the last Licensing and Enforcement Committee members raised a need to consider further review of the street trading policy and to explore options to re-introduce fees for commercial street traders. Licensing officers have begun reviewing arrangements although there is still no consideration for charging fees for short term charitable and community related events. Officers were mindful of the timing for implementing any changes in line with the uptake of applications being planned and submitted for forthcoming Christmas trading events. It was therefore considered practical to further review options whilst avoiding procedural changes around the anniversary of adopting street trading and in the run up to the festive period.
- 4.3.2 Licensing officers will therefore provide a report to this committee at its next meeting in February 2019 and after fully benchmarking against other authorities and testing options in line with systems thinking procedures.

5. Consultations and Partnership Working

5.1 Officers attend Licensees meeting

- 5.1.1 Officers attend Licensees meeting within the East Devon area whenever possible as these meetings should be supported and are a useful forum for the exchange of ideas, information and keeping up to date with issues within each area. Attendance by council, local police and also police licensing staff is keenly sought by the licensing trade to discuss local crime and disorder issues. Officers have attended licensees meetings over the previous period in Exmouth, Sidmouth and Axminster.

5.2 Meetings between officers and the police licensing team

- 5.2.1 Officers attend licensing liaison meetings on a regular basis with the police licensing team to exchange information and discuss licensing issues in East Devon. This exchange of information is considered useful when specific problems or incidents involving licensed premises require joint investigation or premises visits. Officers from both authorities have completed joint visits to licensed premises over the previous period, including premises in Ottery St Mary as part of the planning arrangements for the Tar Barrels event.

5.3 Safety Advisory Group (SAG) Meetings

5.3.1 On 14 May and 19 July licensing officers attended meetings of this Council's Safety Advisory Group (SAG) established earlier this year and being chaired by managers from Environmental Health. The SAG operates as a multi-agency partnership meeting to provide advice and guidance to event organisers when planning events. Meetings are now arranged quarterly and in advance for 2019 with core members from each Responsible Authority including the licensing authority.

5.4 Folk Week Safety Advisory Group Debrief Meeting

5.4.1 On 9 October a debrief meeting of the SAG was held for Sidmouth Folk Week and other events and was attended by responsible authorities including the ambulance service, Devon County Highways, the police, representatives of Council departments and the fire service. This was a constructive meeting with the aim being to review events arrangements this year and in advance of the planning stage for next year.

5.4.2 Prior to the debrief meeting a press release was provided in local press by the organiser of Sidmouth Folk Week commenting on increasing financial challenges and referring to costs charged by East Devon District Council. As the Council had not received an opportunity to respond or comment before the article was published, a letter outlining the Council's response was provided by Councillor Skinner, portfolio holder for Economy. A further planning meeting was held on 7th November involving relevant authorities and licensing officers meeting with the organisers to consider arrangements for the event next year.

5.5 Public Health Strategic Plan Meeting

5.5.1 On 25 October an officer attended a meeting of managers for the East Devon Public Health and Wellbeing Steering Group to continue work drafting the strategic plan for 2018 to 2023. It is an expectation that the input into the Public Health Implementation Plan for 2019/20 will link to all Council service plans. The licensing authority contributes to this having responsibility for regulating temporary events, licensed premises, the sale of alcohol and overseeing the licensing of taxis and private hire vehicles, gambling together with street trading with decisions that can have a marked influence on public health.

5.5.2 Strategic planning will be relevant particularly to street trading arrangements in the years ahead and earlier this month the Royal Society for Public Health (RSPH) published a league table ranking 70 of Britain's major towns and cities by the impact of their high streets on the public's health and wellbeing. Notably the reported identified growth in the number of fast food shops by 4,000 between 2014 and 2017, especially in the most deprived areas, which now have five times more fast food shops than the most affluent areas and calling for a range of measures to promote health in the future.

5.5.3 The Street Trading Policy currently allows consideration of trading arrangements that may conflict with other like trading outlets or within proximity to schools. Further consideration will be given under the review of the policy in 2018/19 in line with national reports and initiatives.

6. Licensing Team update

6.1 Since the last meeting of this committee in August, licensing officer Neil McDonald has announced his retirement at the end of this year having been involved in licensing for thirteen years and since the inception of councils adopting responsibility from the courts in 2005. Interviews for the post will take place later this month and an update will be provided to the committee at the next meeting. The licensing team has experienced considerable change over the last two years with almost complete change in each of the roles during that time.

7. Training Update for Members

- 7.1 Work by the managers of Licensing and Democratic Services has commenced to identify councillor training requirements for this committee and a more detailed update will be provided at the next meeting in February 2019. The option for arranging guest speakers from other responsible authorities is being considered and a representative from the Gambling Commission has indicated a willingness to provide training to members in the spring.

Report to: **Licensing and Enforcement Committee**



Date of Meeting: 21 November 2018

Public Document: Yes

Exemption: None

Review date for release: None

Agenda item: 7

Subject: **Gambling Act 2005 – Tri-annual Review of the Council’s Gambling Policy and Policy Adoption**

Purpose of report: This report updates the Licensing & Enforcement Committee on the tri-annual review of the Council’s Gambling Act 2005 Licensing Policy and the results of the consultation process and invites the Committee to recommend that the Council adopt the amended Policy as required by the Gambling Act 2005 at its next meeting on the 12 December 2018.

Recommendation: **That the Committee:**

- 1. Note the results of the public consultation undertaken on the Council’s draft Policy relating to the Gambling Act 2005.**
- 2. Recommend to Council at its meeting on the 12 December 2018 to adopt, for the period 31 January 2019 to 31 January 2022, the East Devon Gambling Act Licensing Policy as attached at Appendix C.**

Reason for recommendation: It is a legal requirement of the Act for the Council to determine a Gambling Policy in order to carry out its statutory functions under the Gambling Act 2005. The Licensing and Enforcement Committee and officers must have regard to its Gambling Licensing Policy when deciding upon licence applications. The Policy was last reviewed in 2016. It must be reviewed at least every three years and therefore an amended Policy must be adopted by the 31 January 2019.

Officer: Steve Saunders, Licensing Manager

Financial implications: If the Policy is not properly adopted by the Council, it will be liable to legal challenge which if successful could entail costs being awarded against the Council.

Legal implications: Explained within the report

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: **Appendices:**

- Appendix A - List of key Organisations and Individuals invited to respond to the consultation
- Appendix B - Consultation Representations & Responses
- Appendix C - Draft Gambling Act Policy for adoption

Background Papers

- ❑ Gambling Act 2005
- ❑ Guidance issued by the Gambling Commission under the Gambling Act 2005
- ❑ East Devon District Council's Draft Policy Statement under the Gambling Act 2005 issued for consultation in May 2018

Link to Council Plan:

-) Encouraging communities to be outstanding
-) Developing an outstanding local economy
-) Delivering and promoting our outstanding environment

Background and Proposed Amendments to the Existing Policy

- 1.1 Under the Gambling Act 2005, it is the responsibility of the Council to develop and publish a Statement of Gambling Policy. The published Policy then provides the framework for all decisions on applications relating to the Gambling Act 2005 and the way the Authority carries out its functions in relation to the legislation. Council adopted the current Policy on 16 December 2015.
- 1.2 The Act requires that the Licensing Authority review its Gambling Policy every three years. The Council's present policy will expire on the 31 January 2019 and therefore the Authority is under a duty to have reviewed and published a fresh policy by that date.
- 1.3 Over the past three years the current policy has been kept under review by the Licensing Service. However a number of recent changes are proposed to reflect current practices including updated further guidance issued by the Gambling Commission.
- 1.4 The adopted policy must set out the authority's general approach to licence applications and may only be determined following consultation. The revised policy now includes the additional updates:
 - ❑ Changes to the Geographical Profile of East Devon;
 - ❑ Reference to this Council's Regulatory and Enforcement Policy (Part A. Sec.10);
 - ❑ The requirement of Local Risk Assessments to outline Changes in Premises lay-out, reporting suspicious financial activity, matters relating to increased Safeguarding of young and vulnerable persons, and retaining Local Risk Assessments at each relevant licensed premises (Part A.Sec.13)
 - ❑ The physical separation of adjoining premises (Part B. Sec 1)
 - ❑ The requirement for additional Local Risk Assessments and new applications regarding sighting screens or booths in Betting premises (Part B. Sec 1.7 and Part B. 6)
 - ❑ Vetting Operators and Managers of unlicensed Family Entertainment Centres (Part C. Sec 1.7)
 - ❑ Inclusion of new Gaming Machines Categories and Entitlements (Appendix C)
 - ❑ Inclusion of Safeguarding Children and Vulnerable Adults Requirements (Appendix D)
 - ❑ Increased emphasis on marking and siting of Gaming machines (throughout).
- 1.5 Invitations were circulated widely to take part in the consultation to all Responsible Authorities, Council Members, the business community, Town and Parish Councils, the Community Safety Partnership and the Devon Primary Care Trust. A more comprehensive list appears at **Appendix A** and Section 4 of the draft Policy document. The draft Policy

was published on the Licensing Service's dedicated web pages to allow web users to comment online.

1.6 The consultation and publication timetable for the Policy is:

- ❑ 9 August 2018 - Revised policy that was approved for consultation by the Licensing and Enforcement Committee circulated for consultation
- ❑ 26 October 2018 - Consultation period ends
- ❑ 21 November 2018 - Result of consultation reported to L & E Committee
- ❑ 28 November 2018 - Cabinet
- ❑ 12 December 2018 - Policy considered by full Council for adoption

1.7 In accordance with the Guidance published under Section 182 of the Act a wide consultation on the draft of the policy has been undertaken. This provided opportunity for views and representations to be received from industry, statutory bodies, East Devon residents and other agencies.

1.8 This report presents the proposed Licensing Policy and the results of the public consultation.

2 Results of consultation

2.1 The Consultation exercise for this policy has been wide. The list of consultees is reproduced at **Appendix A**. A copy of the draft policy was placed on the Council's website.

2.2 A total of eight responses have been received to the consultation exercise. Those that have been received are listed in the table at **Appendix B** to this report. Column 6 (far right) in this document indicates whether a change is proposed to the draft policy as a result of the consultee's comment. Column 4 sets out the representations/comments received and column 5 records the Licensing Service's appraisal of the representation.

2.3 Two responses were from the gambling trade, one being legal representatives and both making reference to issues of sighting booths or screens in Betting premises. The draft policy requires gambling operators to consider and document local risks and to submit applications or to vary licences with regard to new screens being placed around gaming machines.

2.4 Two responses were from organisations commenting on the potential impact of gambling upon vulnerable members of society with considered proposals to mitigate this

3 Conclusions

3.1 The number of responses to the draft licensing policy for East Devon seems to demonstrate the widespread and varied viewpoints of respondents.

3.2 The Licensing Authority must adopt a new policy prior to 31 January 2019 in order to exercise its powers under the Act. Once the Council has approved the Gambling Act Licensing Policy on the 12 December 2018 it will be published and sent to all respondents. It will also be available through the Council's website. Existing licence holders will be updated and advised that a copy is available on the Council's website or alternatively they can request a copy to be sent to them.

3.3 A copy of the draft policy which is proposed for adoption appears at **Appendix C** to this report. This document includes any amendments proposed in **Appendix B** following the consultation. The original proposed changes to the policy appear in bold red font with the proposed amendments following the consultation appearing in bold blue font and underlined.

List of consultees

Gambling Policy Consultation 2018

Responsible authorities under the Gambling Act 2005:

The Gambling Commission

Devon & Cornwall Police

Devon & Somerset Fire & Rescue Service

Environmental Health, East Devon District Council

Health & Safety Executive

Planning, East Devon District Council

Area Child Protection Committee and Local Safeguarding Children Board

H M Revenues & Customs

Maritime and Coastguard Agency

Additional responsible authorities under the Licensing Act 2003:

Devon & Somerset Trading Standards

Home Office – Immigration Enforcement

Public Health Devon

Schools and Colleges:

The Kings School

Clyst Vale Community College

Sidmouth Community College

Colyton Grammar School

Exmouth Community College

Honiton Community College

Axe Valley Academy

Cranbrook Education Campus

Local businesses and organisations:

Axminster Chamber of Commerce
Blackdown Hills Business Association
Budleigh Salterton Chamber of Commerce
Exmouth Chamber of Trade and Commerce
Federation of Small Businesses
Honiton & District Chamber of Commerce & Industry
Seaton & District Chamber of Commerce
Sidmouth Chamber of Commerce
Devon Chambers of Commerce & Industry

Licensing specialists and Local Solicitors:

Poppleston Allen
Crosse & Crosse Solicitors
Laceys Solicitors
Gosschalks Solicitors
Flint Bishop
TLT Solicitors
John Gaunt & Partners
Beviss & Beckingsale
Everyys
Gilbert Stephens
Ashfords
Ford Simey

Licensees Associations:

Exmouth Licensees Association
Axminster Licensees Association
Sidvale Licensees Association
Seaton Licensees Association

Charities:

NSPCC

Mencap

Gamblers Anonymous

GAMCARE

MIND

GambleAware

Young Gamblers Education Trust

Samaritans of Exeter, Mid & East Devon

Other Gambling Related Associations:

Citizens Advice Service

Association of British Bookmakers

The Bingo Association

BACTA

Lotteries Council

British Beer & Pub Association

Gambling Machine Suppliers:

Aaron Amusements

Regal Gaming & Leisure

Alan Davis Automatics

Gamestec Leisure Ltd

Inspired Gambling (UK) Ltd

Dransfield Novelty Company Ltd

Electromatics

F Simmonds & Sons Ltd

General Authorities or interested parties:

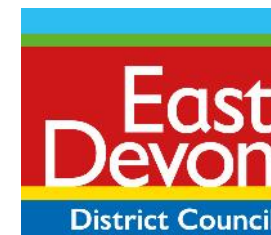
The Police and Crime Commissioner
East & Mid Devon Community Safety Partnership
Head of Adult Safeguarding – Devon County Council
Chief Officer for Adult Care and Health
Direct of Public Health
Care Direct Plus

General consultees:

All Parish and Town Councils in East Devon
All Ward Councillors in East Devon
All Gambling Premises Licence holders in East Devon
All Club Machine Permit holders in East Devon
All Licensed Premises Gaming Machine Permit holders in East Devon

The draft policy, including information about how to take part in the consultation, was also made available on the East Devon District Council website.

EAST DEVON DISTRICT COUNCIL



STATEMENT OF LICENSING POLICY CONSULTATION

Gambling Act 2005

REPRESENTATIONS AND RESPONSES

under the

GAMBLING ACT 2005

Consultation Period: 9 August 2018 to 26 October 2018

Table Headings

1 Reference number	A unique number given to the particular representation
2 Policy paragraph number	This identifies the section of the Policy to which the representation relates
3 Respondent	The identification of the individual, company or organisation responding
4 Details of comments	A copy of the representation made
5 Appraisal of comments	Sets out the appraisal of the representation and whether an amendment is necessary
6 Council's Response	Details the section of the policy that has been amended

Consultation Responses received – August/October 2018

1	2	3	4	5	6
DSF R1	Paragraph 4.3 page 5 and Appendix A Page 42	Devon & Somerset Fire and Rescue Service	<p>I have received the email below as I am the Business Safety Team Leader for the East Devon Business Safety Team.</p> <p>I have reviewed your draft policy and have concluded that I do not need to formally take part in the consultation process. However, I have noted that the following corrections are necessary regarding the title and address of the Fire Service:</p> <ol style="list-style-type: none"> 1. Paragraph 4.3, page 5 – the fire and rescue service title should read “Devon and Somerset Fire and Rescue Service” 2. Appendix A – Relevant Authorities Contact Details, page 42 – address for Devon and Somerset Fire and Rescue Service – delete “Central Command (East), insert “East Devon Group Business Safety” <p>Thank you for the opportunity to consult. If you require any clarification please contact me.</p>	The change in title and address of the Fire Service has been noted and amended in the draft policy.	Yes Paragraph 4.3 page 5 and Appendix A Page 42
GA1	N/a	GambleAware (Registered Charity)	Thank you for consulting us on your draft Statement of Principles under the Gambling Act 2005.	While GambleAware have confirmed that they are not able to offer specific feedback, they have said that they support local authorities	N/a

		<p>GambleAware is an independent charity tasked to fund research, education and treatment services to help to reduce gambling-related harms in Great Britain. We work in partnership with the Gambling Commission and its independent advisors, the Responsible Gambling Strategy Board, to deliver many aspects of the National Responsible Gambling Strategy.</p> <p>Due to the resource constraints on a small charity, we are not able to offer specific feedback on your policy. However, we do strongly commend two recent publications by the Local Government Association which set out the range of options available to local authorities to deal with gambling-related harms using existing powers.</p> <p>https://www.local.gov.uk/tackling-gambling-related-harm-whole-council-approach</p> <p>https://www.local.gov.uk/gambling-regulation-councillor-handbook-england-and-wales</p> <p>We fully support local authorities which conduct an analysis to identify areas with increased levels of risk for any reason, but particularly where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling related harm – children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services – and include additional licence requirements to mitigate this increased level of risk.</p> <p>Copies of the documents referred to in this response are produced at APPENDIX B1 and APPENDIX B2.</p>	<p>who carry out a local area profile to identify areas with increased levels of risk.</p> <p>A Local Area Profile is not a mandatory requirement of the Gambling Act 2005. However - as stated in section 3.6 of the policy - it is the desire of this licensing authority to adopt a Local Area Profile in the future. This can give a useful insight into the local area and any particular areas of the district with increased levels of risk for any reason. This is particularly useful for larger urban districts with a high number of gambling premises and where there can be high populations of groups considered to be vulnerable. It has not been considered necessary to adopt a Local Area Profile at this revision of the policy because East Devon has a dispersed and mainly rural population with a low population density. There are currently a total of 15 premises in East Devon which hold a gambling premises licence and this number has been in decline in recent years. The towns of Exmouth, Sidmouth, Seaton and Honiton currently have a number of betting shops, totalling 9 across the district. In addition, East Devon has 2 licensed bingo premises and 4 adult gaming centres which are situated in various coastal resorts. It is therefore considered that - due to the low population density, the number of gambling premises across the district and the focus on the seaside economy - a Local Area Profile is not necessary at this time. The licensing authority will keep this under review over the period of this policy.</p>	
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GC1	N/a	GamCare (Registered Charity)	<p>While we do not have the resources available to allow us to personally respond to each Local Authority which contacts us regarding their refreshed Statement of Principles, we have compiled a list of the issues or factors which we think it would be helpful to consider below, more information is available via the Gambling Commission.</p> <p>The function of the Statement is to reflect locally specific gambling concerns and to reflect the Council's wider strategic objectives. The active use of the Statement is one means by which you can make clear your expectations of gambling operators who have premises in your area. This allows operators to respond to locally specific requirements and adjust their own policies and procedures as required.</p> <p>) A helpful first step is to develop a risk map of your local area so that you are aware of both potential and actual risks around gambling venues. A useful explanation of area-based risk-mapping has been developed with Westminster and Manchester City Councils, which gives some guidance on those who may be most vulnerable or at-risk of gambling-related harm. For more information please see www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/</p> <p>) Consider that proposals for new gambling premises which are near hostels or other accommodation or centres catering for vulnerable people, including those with learning difficulties, and those with gambling / alcohol / drug abuse problems, as likely to adversely affect the licensing objectives set out by the Gambling Commission. This is also relevant</p>	<p>It is noted that this is a generic response which is not specific to our statement of policy we have however responded to the relevant points below:</p> <p>As explained above, a Local Area Profile is not considered necessary at this time but this decision will be kept under review.</p> <p>Section 13.4 of the revised policy states that: "This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licenses where those premises lie within areas with a concentration of schools, Anti-Social Behaviour (ASB) hotspots and hostels or homes for vulnerable people". Section 13.5 explains that applicants</p>	<p>No</p> <p>No</p>
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			<p>regarding the proximity to schools, colleges and universities.</p> <p>) A detailed local risk assessment at each gambling venue – pertinent to the environment immediately surrounding the premises as well as the wider local area – is a good way to gauge whether the operator and staff teams are fully aware of the challenges present in the local area and can help reassure the Local Licensing Authority that appropriate mitigations are in place.</p> <p>) Does the operator have a specific training programme for staff to ensure that they are able to identify children and other vulnerable people, and take appropriate action to ensure they are not able to access the premises or are supported appropriately?</p> <p>) Does the operator ensure that there is an adequate number of staff and managers are on the premises at key points throughout the day? This may be particularly relevant for premises situated nearby schools / colleges / universities, and/or pubs, bars and clubs.</p> <p>) Consider whether the layout, lighting and fitting out of the premises have been designed so as not to attract children and other vulnerable persons who might be harmed or exploited by gambling.</p> <p>) Consider whether any promotional material associated with the premises could encourage the use of the premises by children or young people if</p>	<p>will be expected to have policies and procedures in place to mitigate any risks.</p> <p>This licensing authority agrees with this statement and section 13 of the revised policy sets out in detail our expectations for Local Risk Assessments.</p> <p>We would also expect the information in the bullet points below to be evidenced by operators within their Local Risk Assessment and, in consideration of both this response and a response from Public Health, we have now included this in our expectations for Local Risk Assessments at section 13.9 of our policy.</p> <p>This is covered in section 13.9 of our revised policy.</p> <p>The policy states in section 13.9 that we expect matters relating to children and young persons to be considered by operators when making their Local Risk Assessment. While these two points have not been mentioned specifically, the policy states that the list of considerations is not exhaustive and other factors not in this list must be taken into consideration. These two bullet points are</p>	<p>No</p> <p>Yes Paragraph 13.9</p> <p>No</p>
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			<p>they are not legally allowed to do so.</p> <p>We would suggest that the Local Licensing Authority primarily consider applications from GamCare Certified operators. GamCare Certification is a voluntary process comprising an independent audit assessment of an operator’s player protection measures and social responsibility standards, policy and practice. Standards are measured in accordance with the GamCare Player Protection Code of Practice. If you would like more information on how our audit can support Local Licensing Authorities, please contact us.</p> <p>For more information on GamCare training and other services available to local authorities, as well as recommended training for gambling operators, please see the attached brochures.</p> <p>Copies of the brochures referred to in this response are produced at APPENDIX B3 and APPENDIX B4.</p>	<p>examples of additional factors operators may consider.</p> <p>While we agree that GamCare Certification is a positive process and would welcome such certification, we do not intend to primarily consider applications from such operators as we will determine all applications on their own merits.</p>	
MIN D1		MIND (Registered Charity)	<p>Many thanks for your email and your interest in working with Mind.</p> <p>We believe that everyone with a mental health problem should be empowered to make an informed decision about the best type of help or treatment for them. It’s therefore very important to us that the information we provide is accurate, balanced and impartial information.</p> <p>For this reason Mind doesn’t provide recommendations or detailed information about particular service providers on our website or through our information services. We also do not provide referrals.</p>	<p>It has been noted that MIND are not able to respond as they wish to remain impartial and do not provide recommendations.</p>	No

			I am sorry we cannot work with you on this occasion but hope you understand our position.		
HM RC1	Appendix A	HMRC Excise Processing Team	<p>As one of the responsible authorities quoted in your appendices can I ask you to amend our postal contact address to:-</p> <p>HM Revenue and Customs Excise Processing Teams BX9 1GL United Kingdom</p> <p>Our contact telephone number is now 0300 322 7072 Option 7.</p> <p>Our email address remain the same, NRUBetting&Gaming@hmrc.gsi.gov.uk</p>	The change of address for HMRC Customs & Excise has been noted and amended in the draft policy	Yes Appendix A
WH PC1	N/a	West Hill Parish Clerk	EDDC's recent invitation to respond to its Gambling Policy Consultation was discussed by parish councillors at their meeting on 18th September 2018. Councillors resolved to not submit any comments.	It is noted that West Hill Parish Council have resolved to not submit any comments.	No
PHD 1	Part A Section 3.6	<p>Dr Virginia Pearson</p> <p>Chief Officer for Communities, Public Health, Environment and Prosperity / Director of Public Health</p> <p>Public Health Devon -</p>	<p>Thank you for the opportunity for us to contribute to your consultation.</p> <ol style="list-style-type: none"> 1. There are three licensing objectives: the first objective states that there is a clear emphasis on "Preventing gambling from being a source of crime and disorder, being associated with crime and disorder, or being used to support crime". Would there be an opportunity to widen this prevention approach to also thinking about health (WHO definition) as well as crime and disorder? 2. Part A, Section 3.6 indicates a "desire of the Council to adopt a Local Area Profile. The creation of such a profile will entail a process of gathering and 	<p>The licensing objectives are specified by the Gambling Act 2005 and cannot be changed by policy.</p> <p>As explained above, a Local Area Profile is not considered necessary at this time but this decision will be kept under review.</p>	<p>No</p> <p>No</p>

	<p>Devon County Council</p>	<p>presenting information about the East Devon area and any particular areas of concern within the locality”. We would strongly support the adoption of a Local Area Profile as it would give useful intelligence on the location of groups who may be vulnerable to gambling related harm and information on the density of existing gambling premises. This intelligence could then be used to inform decisions on future applications.</p> <p>3. We welcome the amendments to the policy, which clarify the expected details for risk assessment within the licensing application and set our more detail on matters of child protection and safeguarding.</p> <p>4. We wonder if the Council would consider “saturation zones” (we couldn’t find them referenced-although Part A, section 13.9 says a risk assessment should include “Range of facilities in proximity to the licensed premises such as other gambling outlets”). As we understand it with regards to alcohol, once an area is labelled as a saturation zone no more licences / significant changes in licences etc, are granted for that area.</p> <p>5. The third licensing objective talks about “Protecting children and other vulnerable persons from being harmed or exploited by gambling”. The definition of “vulnerable” supplied in Part B, section 1.19 suggests that vulnerable “includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs”. We would like to raise two points in relation</p>	<p>This is noted.</p> <p>Section 1.11 of the revised policy explains that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In line with the Gambling Commission’s Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.</p> <p>This comment has been considered by this licensing authority and, following this response, an additional paragraph referencing the LGA report and acknowledging the groups identified as vulnerable has now been added into the policy at section 1.19.</p>	<p>No</p> <p>No</p> <p>Yes Section 1.19</p>
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	<p>Part B Section 3.2</p>		<p>to this definition. Firstly, the Local Government Association report – Tackling Gambling Related Harm. A Whole Council Approach (page 7) – has a useful summary of which groups have been identified by research as particularly vulnerable to gambling-related harm. The Council might like to reference this list in their statement of gambling policy as it includes a more comprehensive summary than currently included in their definition of “vulnerable” in section 1.19. Secondly, the text should clarify that the objective is also to protect vulnerable people – using vulnerable in its widest sense – who may be at risk of harm (i.e. there is an emphasis on protecting vulnerable people before they have experienced the harm).....otherwise it implies that someone only becomes vulnerable once their gambling becomes a concern.....which seems a very limited definition.</p> <p>6. Part B, Section 3.2 talks about “Measures/training for staff on how to deal with suspected truant school children on the premises. We would also suggest you include training for awareness of safeguarding/child sexual exploitation. Furthermore, there seems to be no training listed (that we could find) to help support vulnerable adults. If we are really thinking broadly you could argue that certainly adult safeguarding training.....and maybe even mental health first aid training / MECC should also be evidenced.</p> <p>7. We would ask the Council to consider whether the requirement of a “Safeguarding Co-ordinator role” for each licensed premises would help ensure there was a clearer emphasis on safeguarding issues.</p>	<p>Safeguarding awareness and the protection of children from harm is considered very high priority by both this licensing authority and nationally by the Gambling Commission.</p> <p>We have introduced a new section to the policy at Appendix F which gives guidance on how gambling premises licence and permit holders and their employees can support safeguarding.</p> <p>On consideration of this response we have subsequently expanded the section of the policy relating to our requirements for Local Risk Assessments, to include an expectation that information is included in a Local Risk Assessment on how safeguarding and the protection of vulnerable adults has been considered.</p>	
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			<p>8. If this isn't already a requirement, we would suggest that the risk assessment process should ensure that licensed premises display information on how people experiencing mental health problems or having suicidal feelings can access immediate support.</p> <p>I hope these comments are helpful.</p> <p>A copy of the Local Government Association report – "Tackling Gambling Related Harm. A Whole Council Approach" referenced in this response is attached at APPENDIX B1.</p>	<p>Safeguarding training is not currently a mandatory requirement and we will review any guidance from the Gambling Commission on this point in the future and keep the policy under constant revision.</p> <p>This point is acknowledged but is not considered necessary to include within the policy as Social Responsibility Code Provision 3.3 already makes it mandatory for licence holders to make information readily available to their customers on how to gamble responsibly and how to access information about, and help in respect of, problem gambling.</p>	
WH1	Number 6 Betting premises	William Hill	<p>Further to the publication of your Draft statement of Licensing Policy, we wish to respond on just the one point:</p> <p><i>Section 6 - Where a substantial or significant variation to a premises occurs, to include sighting or placement of screens and/or booths, it will be the expectation of the licensing authority for an application to vary the licence along with a revised plan of the premises to be submitted.</i></p> <p>Whilst we agree that a substantial change to a premises could require a licence variation, we would not agree that a full premises licence variation is required for the installation of privacy screens around gaming machines. When we install such a set-up, we would always consider the suitable positioning of the machine within the premises, and the ability of staff to be able to monitor the machines fully, which we feel would be the considerations you would be concerned with. So although we would be more than happy</p>	<p>This response has been noted and considered.</p> <p>Previous guidance from DCMS and the Gambling Commission has been that an application for a variation will only be required where there are material changes to the layout of the premises.</p> <p>It is the opinion of this licensing authority that the installation of screens and/or booths is a significant material change to the premises.</p> <p>As stated in the response from William Hill, the Gambling Commission guidance is that "what constitutes a material change will be a matter for local determination but it is expected that a common sense approach will be adopted".</p> <p>This licensing authority has determined the</p>	No

		<p>to discuss any concerns you may have, and introduce appropriate measures to alleviate these concerns if the situation arose, we certainly feel that the requirement for a full licence variation is unnecessary.</p> <p>The Gambling Commission’s own current documentation states that ‘Plans must include: the boundary of the premises, external and internal walls, points of exit and entry (plus a description of where exit leads to and entry leads from)’. So, even the position of the gaming machines is not actually a requirement. We do show the positions of our machines on licence plans, and also any screens around them, as we feel this is beneficial to Local Authorities, but we do not agree there can <u>always</u> be a need to make a variation for such a set-up.</p> <p>Further to this, the Gambling Commission’s own LCCP Guidance to Local Authorities considers this point, and states as follows:</p> <p><i>7.51 Previous guidance from DCMS and the Commission has been that an application for a variation will only be required where there are material changes to the layout of the premises. What constitutes a material change will be a matter for local determination but it is expected that a common sense approach will be adopted. When considering an application for variations, the licensing authority will have regard to the principles to be applied as set out in s.153 of the Act.</i></p> <p>Given the specific suggestion from the GC that this should be a matter for local determination, with a common sense approach being taken to each case, we do not feel that a blanket approach is correct, with a policy stating that a variation is expected in every case, as this takes away any decision based on the local and common sense approach suggested. We do feel that our own approach, as detailed above, should be adequate, offering you the chance to discuss the need for a variation if you determine this to be</p>	<p>installation of privacy booths to be a material change and for this reason, this has been included within the revised policy.</p>	
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	<p>Paragraph 13.2</p>		<p>necessary on an individually considered basis. We would be more than happy to submit a plan for consideration or discussion for such a proposed change.</p> <p>As an alternative approach, you state earlier in Paragraph 13.2:</p> <p><i>Their risk assessment must be also be updated:Where there are significant changes at a licensee’s premises that may affect their mitigation of local risks, to include any changes to the interior layout of the premises, for example erection of privacy screens sited around gaming machines</i></p> <p>We feel that this is a much better approach to take, and if the risk assessment and mitigation measures taken were deemed to be adequate, then there should be no need for a licence variation.</p> <p>I would appreciate it if you could give further consideration to these comments, before the final Policy is produced.</p> <p>If you have any further questions in relation to this response, please don’t hesitate to get in touch.</p>		
<p>ABB 1</p>		<p>Gosschalks Solicitors on behalf of The Association of British Bookmakers</p>	<p>Gosschalks Solicitors act for the Association of British Bookmakers (ABB) and have received instructions to respond to the gambling policy consultation on behalf of their client.</p> <p>The full letter received from Gosschalks has not been replicated here and is instead attached at APPENDIX B5 as much of the letter is thought to be a generic letter which has been sent to all councils.</p> <p>The following section of the letter is however specific to East Devon’s policy consultation:</p> <p>Considerations specific to the Draft Statement of</p>		

		<p>Paragraph 13</p>	<p>Licensing Policy - 2019 to 2022</p> <p>Paragraph 13 explains the requirements for licensees to assess 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. Paragraph 13.2 requires that risk assessments must be updated in certain circumstances and includes an example of the erection of privacy screens sited around gaming machines. In betting offices, the purpose of a privacy screen is to enhance the customer experience as many customers prefer to play gaming machines without the possibility of people looking over their shoulder. The ABB has engaged with the Gambling Commission over these privacy screens and the general view is that there is no difficulty with them as long as the screen/pods do not impede supervision. On the basis that such screens do not impede supervision then there can be no risk to the licensing objectives caused by their installation and therefore it is unnecessary to update the risk assessment when such screens are installed. In the circumstances, this example/requirement to undertake a new risk assessment upon the installation of privacy screens should be deleted.</p>	<p>This licensing authority considers that the installation of privacy screens does have the potential to impact the licensing objectives and is relevant to a Local Risk Assessment. This is supported by the response received from William Hill who dispute the requirement for a full variation when privacy screens are to be installed but agree that this should be reflected in the Local Risk Assessment and that the measures set out in paragraph 13.2 are a suitable way of assessing the installation of privacy screens and any mitigation measures required.</p>	<p>No</p>
		<p>Paragraph 13.9</p>	<p>Paragraph 13.9 contains a list of bullet points that the licensing authority recommends be taken into account by operators when making their risk assessments. This list of bullet points needs to be redrafted as it contains matters that cannot be relevant to any assessment of risks to the licensing objectives. For example, the bullet point referring to <i>“gaming trends that may mirror days for financial payments such as pay days or benefit payments”</i> should be deleted. This cannot be relevant to an assessment of risk to the licensing objectives unless the licensing authority has predetermined that persons in receipt of benefit are automatically vulnerable or more likely to commit crime as a result of gambling.</p> <p>Similarly, the proximity of the proposed premises to other</p>	<p>This licensing authority is of the opinion that the matters included in the bullet points in paragraph 13.9 are relevant in assessing local risks to the licensing objectives.</p>	<p>No</p>

		<p>gambling outlets, banks, post offices, refreshment and entertainment type facilities cannot be relevant to an assessment of risk to the licensing objectives and therefore, the bullet points containing these references should be deleted.</p> <p>Issues of nuisance are not relevant considerations when assessing risks to the licensing objectives and the references to street drinking, youths participating in anti-social behaviour such as graffiti/tagging should all be removed.</p>		
	Part B	<p>Within part B there are references to paragraph numbers in the Gambling Commission Guidance which needs to be updated. These references do not correspond with the latest version of the Gambling Commission Guidance (fifth edition issued September, 2015).</p>	<p>This has been noted and the paragraph numbers relating to Gambling Commission Guidance have been updated.</p>	<p>Yes Various</p>
	Paragraph 1.11 Part B	<p>Paragraph 1.11 in Part B should be amended to remove the penultimate sentence. This refers to the possibility of a policy with regard to areas where gambling premises should not be located. Any such policy is likely to be unlawful and is certainly contrary to the overriding principle that the licensing authority will aim to permit these premises for gambling. On the basis that such policy is likely to be unlawful, is unlikely to exist and in any event would not preclude an application being made or determined on its own merits, this sentence should be removed.</p>	<p>This point is noted and this sentence has been removed as it is not relevant at this time.</p>	<p>Yes Para 1.11</p>
	Paragraph 1.20 to 1.27	<p>Paragraphs 1.20 to 1.27 explain the licensing authorities approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives and the starting point for consideration of any application is that it will be granted subject only to those mandatory and default conditions. This section should also state that additional conditions will not be considered where there is clear</p>	<p>This comment is noted but an additional statement (stating that the mandatory and default conditions are usually sufficient) is not considered necessary. As stated in paragraph 1.20 and 1.21, any conditions attached to the licence will be proportionate and decisions upon individual conditions will be made on a case by case basis in line with the Gambling Act and Gambling Commission Guidance.</p>	<p>No</p>

		<p>Paragraph 6 Part B</p>	<p>evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.</p> <p>Paragraph 6 of Part B refers to betting premises and indicates that the licensing authority would expect a variation of the premises licence if privacy screens/booths were to be installed.</p> <p>Previous guidance from the DCMS and the Gambling Commission has been that an application for variation will only be required where there are material changes to the layout of the premises. It is accepted that what constitutes a material change could be a matter for local determination but on the basis that a privacy screen does not impede supervision, it is difficult to see how the installation of a screen could be considered a material change. The Gambling Commission Guidance is clear that when considering an application for variation, the licensing authority will have regard to the principles in S.153 Gambling Act 2005. These are not adversely affected by the installation of a screen which does not affect supervision and it is submitted, therefore, that an application for variation of the premises licence should not be required where these screens are installed. Accordingly this section should be re-drafted.</p>	<p>This point has been covered above in consideration of the response from William Hill.</p>	<p>No</p>
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Tackling gambling related harm

A whole council approach

Foreword

There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it. The prevalence of high stakes betting machines on high streets; the significant increase in gambling advertising since the introduction of the Gambling Act over a decade ago; and the rise in online gambling have all contributed to societal concern about gambling in the UK and the harm that can be associated with it.

The recent Government announcement that it proposes to reduce maximum stakes on Fixed Odds Betting Terminal (FOBT) machines to £2 is extremely welcome news, with the LGA and others having long argued that the £100 stake was too high. But it is just one step among many more that need to be taken to prevent and address harmful gambling.

Harmful gambling is increasingly cited as a public health issue which requires a broad response; that is to say, traditional approaches that focus on single interventions do not tend to work at a population level. Harmful gambling is a complex problem with a large number of different but often interlinked factors - no single measure is likely to be effective on its own in addressing it.

Consequently, many organisations have a part to play in addressing the issue of harmful gambling, not least the gambling industry itself. There are several ways in which councils can try to support those individuals and families who are experiencing harm from gambling without taking on responsibility for treatment. This is in addition to their statutory licensing responsibility to try to prevent local gambling premises causing harm through gambling.

For example, councils will be coming into contact with people impacted by problem gambling through a range of services, including housing and homelessness, financial inclusion, children's services and addiction services. Yet few, if any, councils have data on where problem gambling has been a contributory or additional factor in these cases, and we are only just starting to take full advantage of the support that is currently available for problem gambling through the third sector-led treatment system.

Having the support of elected members and the chief executive in changing our understanding of harmful gambling and its impacts is vital. It sends a clear signal that addressing problem gambling is a priority not just for public health and licensing but for the whole council and its wider stakeholders, thereby facilitating cooperation across departments and with local communities and partners.

We have therefore developed this document to provide an overview of problem gambling, and how councils can begin to try to help local residents who are impacted by it. From our work on two of the LGA's policy boards, we know that this is an issue of concern to councillor colleagues up and down the country. We hope you find it useful in understanding how councils can strengthen their work in this area.

Councillor Izzi Seccombe OBE

Chairman, LGA Community Wellbeing Board

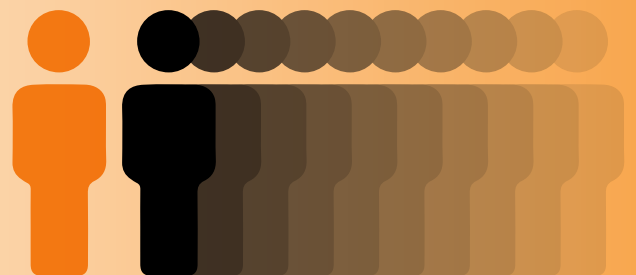
Councillor Simon Blackburn

Chair, LGA Safer and Stronger Communities Board

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There is increasing awareness about harmful gambling and its impact on families and local communities, as well as the individuals directly harmed by it.



6 to 10 PEOPLE
are directly affected by a single problem gambler

Executive summary

Harmful gambling is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. It can have many and varied impact, including on an individual's physical and mental health, relationships, housing and finances, and affect a wide range of people, such as families, colleagues and wider local communities.

Evidence suggests that certain groups are more vulnerable to problem gambling including children and young people, people with mental health issues, certain minority ethnic groups, the unemployed, homeless people, those with low intellectual functioning, people with financially constrained circumstances and those living in deprived areas.

Research, education and treatment of harmful gambling is overseen by the Gambling Commission, Responsible Gambling Strategy Board and GambleAware, funded by voluntary donations from the gambling industry. The national network of support for people experiencing harmful gambling is based upon the provision of cognitive-based therapy; residential and psychiatric support is also available for those with more complex problems.

Councils are not responsible for providing treatment for harmful gambling, but there is a range of ways in which different services can seek to support local residents and families who are affected by it.

District and unitary (licensing) authorities have a statutory role regulating local gambling premises and various tools to try to prevent gambling related harm occurring in premises: developing maps highlighting locally specific gambling risks; preparing local licensing

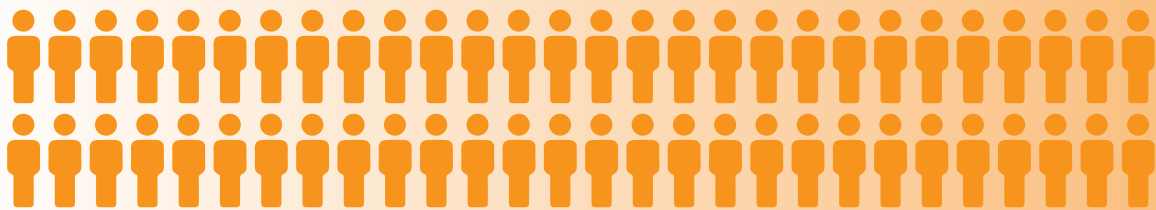
policies setting out expectations of gambling businesses, and undertaking compliance visits to assess whether they are meeting these expectations. Planning teams may also be able to play a role in relation to local gambling premises.

Beyond licensing and planning teams, many council service areas will be coming into contact with people experiencing or impacted by harmful gambling, including children's, family and adult services, treatment services, homelessness and wider housing services and financial inclusion services.

Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases: there is a significant opportunity for these staff to help local residents access support by signposting to the national treatment network via the National Gambling Helpline. Councils can also seek to work with local partners and build links with support organisations to help develop specific local referral pathways and ensure these can be accessed from across the full range of local services. As frontline awareness and identification of harmful gambling develops, councils should ensure they capture data about it, to help understand the extent of harmful gambling, impacts and costs associated with it.

Public health teams can play a role in ensuring that this data, and related data on groups at particular risk of harmful gambling, is collected and shared. They can also work with local partners and through Health and Wellbeing Boards and Clinical Commissioning Groups, to develop a coherent approach to harmful gambling, including focused preventative work.

“Councils should ensure that frontline staff are provided with training on harmful gambling so they recognise potential cases and there is a significant opportunity for them to help.”



56% of people in England gambled in **2016**



6.6% of gamblers (**3.6%** of people overall) were at low or moderate risk of developing problems with their gambling



6% of gamblers have ever self excluded



0.7% of people are problem gamblers

Understanding harmful gambling

There is comparatively little research and literature relating to problem gambling and gambling related harm, although this has begun to change in recent years. This section provides a summary of the definitions and recent research.

Definitions and prevalence

Gambling behaviours occur along a continuum, with possible harms and benefits¹ present dependent on level of involvement. Harmful gambling² is defined as any type of repetitive gambling that disrupts or damages personal, family or recreational pursuits. In its most extreme form, gambling is recognised as an addiction by the American Psychiatric Association (APA), as well as by the World Health Organization (WHO) in the International Classification of Diseases.³⁴ At risk gamblers refers to people who are at higher risk of experiencing negative effects due to their gambling behaviour but who are not classified as problem gamblers.

Gambling related harm is a broad concept that impacts a wide range of people including families, colleagues and those within the wider community who may not have been involved in gambling themselves.

Harms may include financial hardship, relationship breakdown, domestic violence, mental health problems and suicidal thoughts.

The most recent Health Survey statistics for England found that 56 per cent of the population in England have spent money on at least one gambling activity in the past year.⁵ The Health Survey statistics also indicate that in 2016, 0.7 per cent of people in England (approximately 300,000 people) identified as problem gamblers, with 3.6 per cent (approximately 1,610,000 people - 6.6% of gamblers) at low or moderate risk based on their gambling. Due to limitations in how this data is collated, it is likely these estimates are conservative, and may not capture some vulnerable population groups such as homeless people and students. Recent research by Leeds Beckett University for Leeds City Council⁶ has concluded that gambling behaviour and problem gambling are not equally distributed across England and that certain areas experience higher rates of problem gambling (see page 24-25).

1 Forrest, D. An Economic and Social Review of Gambling in Great Britain
<https://infohub.gambleaware.org/wp-content/uploads/2016/02/816-2437-1-PB.pdf>

2 Harmful gambling is also referred to as problem gambling, compulsive gambling, irresponsible gambling, gambling disorder or pathological gambling. It is an umbrella term that captures those who have a diagnosable gambling addiction as well as those experiencing elevated levels of harm due to their gambling behaviour.

3 <https://dsm.psychiatryonline.org/doi/book/10.1176/appi.books.9780890425596>

4 <https://icd.who.int/browse11/l-m/en#/http://id.who.int/icd/entity/1041487064>

5 www.gamblingcommission.gov.uk/PDF/survey-data/England-Health-Survey-Findings-2016.pdf

6 www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Groups at risk of problem gambling

In 2015-6, Geofutures' Gambling and Place Research Hub undertook research⁷ for Westminster and Manchester City Councils to explore the concept of area vulnerability to gambling related harm.

The first phase of the research involved a detailed literature review aimed at identifying which groups in society are vulnerable to gambling related harm. The research found evidence to support suggestions that the following groups are more vulnerable:

- children, adolescents and young adults (including students)
- people with mental health issues, including those experiencing substance abuse issues (problem gambling is often 'co-morbid' with these substance addictions⁸)
- individuals from certain minority ethnic groups, such as Asian/Asian British, Black/Black British and Chinese/other ethnicity
- the unemployed
- the homeless
- those with low intellectual functioning
- problem gamblers seeking treatment
- people with financially constrained circumstances
- those living in deprived areas.

Using this list as a basis, Geofutures collected local level data to show where people with these characteristics might be. This was combined into a single risk index and mapping tool identifying local hotspots at greater risk of gambling related harm.⁹

The National Centre for Social Research's report Gambling behaviour in Great Britain in 2015¹⁰ includes further analysis of at risk and problem gambling, in particular highlighting significantly higher rates among men compared to women.

Impact of problem gambling

The impact of problem gambling extends beyond individual gamblers themselves. A recent investigation published by Citizens Advice reported research suggesting that for every problem gambler there are on average between six to ten additional people who are directly affected by it.¹¹ The potential impact can extend from those closest to the problem gambler (such as families and colleagues), whose physical, mental and emotional health and wellbeing may be severely affected, and in some cases impact across local communities (for example, where problem gambling is associated with crime or homelessness) and society as a whole (in terms of the costs that may be created by problem gambling).

7 www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/

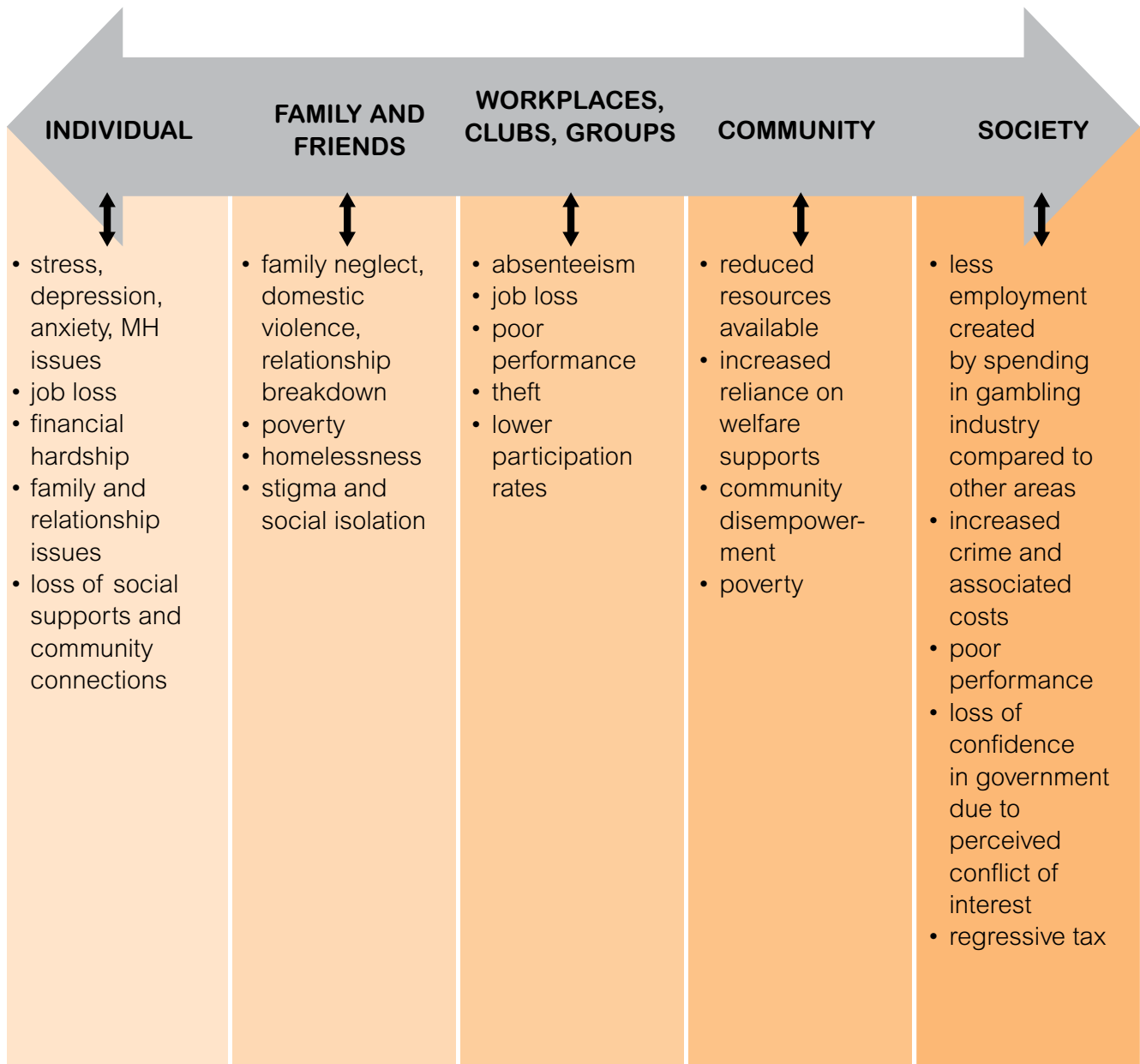
8 See page 4: www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf or the 2012 Health Survey for England

9 www.westminster.gov.uk/gambling-research

10 www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf

11 See page 8: www.citizensadvice.org.uk/about-us/policy/policy-research-topics/consumer-policy-research/consumer-policy-research/out-of-luck-an-exploration-of-the-causes-and-impacts-of-problem-gambling/

Levels of Harm from Problem Gambling



Source: Health promotion resource guide for problem gambling prevention in Melbourne North¹²

¹² www.nehc.org.au/wp-content/uploads/2018/01/Health-Promotion-Resource-Guide-for-Problem-Gambling-Prevention-in-Melbourns-North.pdf

Individuals experiencing harm from gambling, or their families or carers, rarely present to health or social care services with problem gambling as their presenting condition, and it can manifest in a range of different ways, including physical and mental health problems, relationship breakdowns as well as social care and financial issues.

These can include:

Health	Relationship	Social and financial resources
<ul style="list-style-type: none"> • unexplained joint / muscle pains • heart palpitations • breathing difficulties • sleep disturbances/ insomnia • Increased blood pressure • headaches • anxiety / depression • narcissistic presentations • self harm and suicidality • confusion • substance misuse • feelings of stigma/shame 	<ul style="list-style-type: none"> • domestic violence/ abuse • relationship difficulties and breakdown • loss of trust • loneliness • Social isolation • neglect / abandonment • anti-social behaviour 	<ul style="list-style-type: none"> • poor concentration • money/debts • housing issues • work / school problems • reduced productivity • criminality • use of food banks

Research commissioned from the Institute for Public Policy Research in 2016¹³ estimated that the cost to government associated with people who are problem gamblers in Britain was between £260 million – £1.16 billion (based on problem gambling rates ranging from 0.4 to 1.1 per cent of the adult population). This was based on six identified specific costs covering primary and secondary health costs, hospital inpatient services, welfare and employment costs, housing costs and criminal justice costs.

The report highlighted an urgent need to fill gaps in the available evidence base on the impact of problem gambling. Many of the costs associated with problem gambling may go unrecognised since problem gamblers will present with other issues rather than a gambling addiction. At the council level, there is a clear need to develop a much greater understanding of the scale and nature of gambling and the harms and costs that are directly associated with this. This is explored in more detail in later sections of this document.

13 www.ippr.org/publications/cards-on-the-table

Harmful gambling – framework for prevention and support

National approach to responsible gambling

There is a tripartite arrangement for the research, education and treatment (RET) of harmful gambling between the Gambling Commission¹⁴, the Responsible Gambling Strategy Board (RGSB)¹⁵ and GambleAware¹⁶, as seen in the diagram below. Policy responsibility for harmful gambling rests with the Department for Digital, Culture, Media and Sport (DCMS) at government level.

The Gambling Commission is an independent non-departmental public body sponsored by DCMS, that was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain in partnership with licensing authorities. Its work is funded by fees set by DCMS and paid by the organisations and individuals they license, and, in respect of National Lottery functions, by a grant from the National Lottery Distribution Fund. The Commission's strategic objectives for 2018-21 include preventing harm to consumers and the public.¹⁷

The RGSB is an independent body comprising members with expertise in issues including gambling research, public health, psychology and medicine and education, as well as in the gambling industry and gambling regulation. The RGSB's objective is to minimise gambling related harm. It develops the National Responsible Gambling Strategy for Britain and provides independent advice to the Gambling Commission and

Government on issues including priorities for research, education and treatment. While the RGSB sets the strategy for responsible gambling, others are responsible for implementing it.

GambleAware is an independent charity¹⁸ tasked with commissioning research, education and a national treatment service to help minimise gambling-related harm in Great Britain, in line with the national responsible gambling strategy.

The Gambling Act applies the 'polluter pays' principle, and GambleAware is funded by voluntary donations from the gambling industry. All gambling operators are required by the conditions of their licence to make a donation towards research, education and treatment (RET) and this is enforced by the Gambling Commission, but the amount they donate is ultimately up to them.¹⁹ The LGA, GambleAware itself and others have argued that this voluntary system should be replaced by a mandatory levy, and the Government has warned the industry that the existing legislation which provides for such a levy will be invoked if the voluntary system fails to deliver sufficient funding.

Currently the majority of research, treatment and education around harmful gambling undertaken in Great Britain is commissioned by GambleAware, although there are instances where gambling companies support initiatives directly such as in Leeds (see page 24) and other stakeholders are now beginning to engage with harmful gambling.

¹⁴ www.gamblingcommission.gov.uk/home.aspx

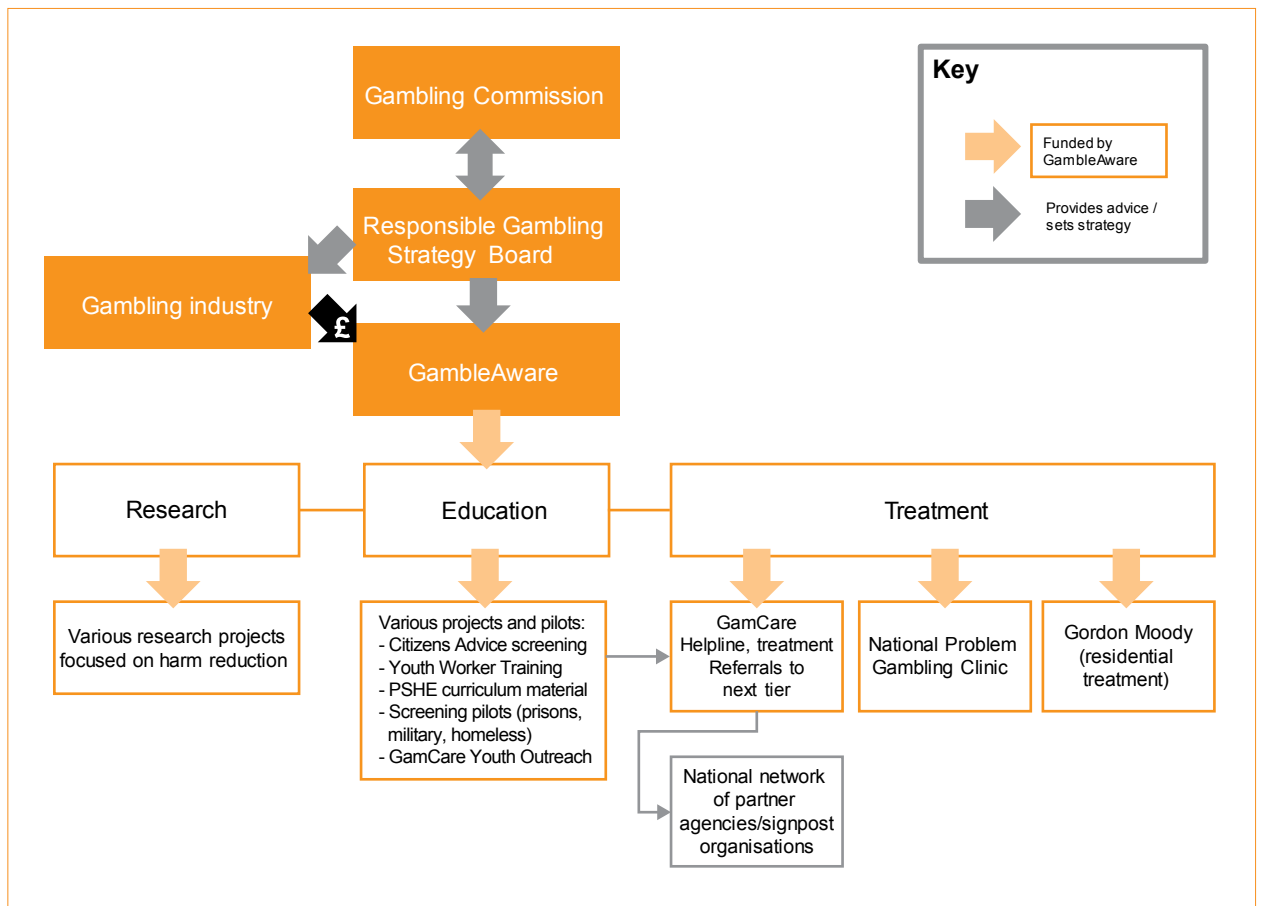
¹⁵ www.rgsb.org.uk/About-us/Governance/Statement-of-intent.pdf

¹⁶ <http://about.GambleAware.org> (formerly the Responsible Gambling Trust).

¹⁷ www.gamblingcommission.gov.uk/PDF/Strategy-2018-2021.pdf

¹⁸ Observers from DCMS, the Gambling Commission and RGSB attend all meetings of GambleAware's Board. In recent years, GambleAware has sought to strengthen its independence from the gambling industry.

¹⁹ There is a suggested donation of 0.1 per cent of profits.



Research

GambleAware awards grants to support research pilots and evaluations that explore gambling practices and gambling related harm, with a view to developing interventions and informing policy and regulation that can help to prevent harm from occurring. Recent areas of focus include harm minimisation measures for online gambling, the impact of gambling advertising on vulnerable groups, and the effects of marketing and advertising on children.

Compared with other topics, however, there is a dearth of high quality research evidence on gambling related harms. There are some positive signs that this is now changing, with several universities and the National Institute for Health Research²⁰ now undertaking research in this field.

20 www.nihr.ac.uk/funding-and-support/funding-opportunities/1804-interventions-to-prevent-or-reduce-gambling-related-harm/7750?diaryentryid=29288

One particular piece of research that may be of most relevance to councils was an exploration of cognitive distortions in homeless gamblers undertaken by the University of Lincoln to develop both a screen to aid in identification and recognition of gambling problems and a brief cognitive intervention to minimise the gambling-related harm experienced by this population. The tools developed are for use by homelessness practitioners.²¹

Education

GambleAware is currently leading a two-year safer gambling advertising campaign and working with social media companies to develop guidance for social media users looking to set preferences that will reduce their exposure to online gambling advertising. It also commissions education campaigns and works with other organisations to tackle harmful gambling.

21 <https://about.gambleaware.org/media/1716/gambling-and-homelessness-developing-an-information-sheet-screening-tool-and-resource-sheet.pdf>

Some of the recent education programmes they have funded include:

- **Teacher and youth worker gambling toolkit** – GambleAware has partnered with Fast Forward, a youth education charity, to develop a toolkit about youth gambling and problem gambling, designed to help practitioners who work with young people to design and deliver prevention activities.²²
- **PSHE lesson materials** – GambleAware and Demos have partnered together to pilot an intervention in secondary schools across England and Wales with pupils aged 14-15. Lessons were designed by Demos, the PSHE Association, The Mentor Foundation UK (Mentor UK), the National Problem Gambling Clinic and a range of independent teachers/advisers to build up the resilience of teenagers to the risks related to gambling.²³

GamCare is an independent charity responsible for providing the first level of support for people identified as having gambling issues, as well as for their partners, family and friends. Alongside the treatment services GamCare provides (detailed below), they also work to provide training to frontline organisations who in the course of their work may come into contact with problem gamblers or those directly affected by it, including youth-facing professionals, housing workers, people working in the criminal justice system and for sports clubs and organisations. GamCare is also engaged in outreach programmes working directly with young people to build critical thinking and resilience around issues relating to gambling.

Treatment

Almost half of GambleAware's funding is spent on treatment. GambleAware's national network of support provides predominantly cognitive-based therapy with residential and psychiatric support available for more complex presentations.

The charity expects its network of treatment services to reach just 4 per cent of problem gamblers and affected others, and is keen to explore innovative approaches with local authorities to ensure that those who need its help are aware of how to access services. It has warned the industry that if demand for treatment services rises, then gambling operators will be expected to provide whatever additional funding is needed.

The National Gambling Helpline is the primary entry point into GambleAware's national treatment service network, and many people can be helped through brief interventions offered by the Helpline's advisers. The next level of treatment services are commissioned through three organisations; GamCare, the National Problem Gambling Clinic and Gordon Moody Association.

GamCare is an independent charity responsible for providing the first level of support for people identified as having gambling issues. GamCare runs the National Gambling Helpline, which deals with more than 30,000 calls each year and provides one to one information, advice and emotional support to callers. Where needed, extended support via call backs can be offered by helpline advisers.

Support is provided online through individual or group sessions, using cognitive behavioural therapy and motivational interviewing principles²⁴ and the charity also moderates an online forum and chatroom where users can talk about issues relating to problem gambling. GamCare also offers individual face-to-face counselling for those who need more sustained support, both directly and through its network of partner organisations.

GamCare are a key point of contact for local authorities interested in exploring problem gambling and comprehensive information is also available on their website,²⁵ which would be a useful starting point for local authorities exploring this issue.

²² <http://fastforward.org.uk/gamblingtoolkit/>

²³ www.demos.co.uk/wp-content/uploads/2018/03/Gambling-Education-Teaching-Resource-Booklet-1.pdf

²⁴ www.nhs.uk/conditions/cognitive-behavioural-therapy-cbt/

²⁵ www.gamcare.org.uk/about-us/who-we-are/our-partner-network

The National Problem Gambling Clinic in London²⁶ providing psychiatric treatment for harmful gamblers aged 16 and over with complex needs. These may include having previous unsuccessful structured psychological support for problem gambling, co-occurring mental health problems, substance misuse, serious physical health difficulties or concerns about risk of harm to self or others. Services include individual psychological support in the form of cognitive behavioural therapy and psychodynamic psychotherapy, behavioural couples' therapy, support groups and medication.²⁷

The Gordon Moody Association²⁸ is a charity providing residential treatment services at two locations in the South of England. For men, the residential treatment programme begins with an initial two week assessment followed by 12 weeks of treatment and all clients live at the centre full time for the duration of their stay. For women, a new service combines two short term residential retreats with 12 weekly therapy sessions delivered either online or face to face. They also run an international online support and advice service for problem gamblers through the Gambling Therapy website.²⁹

As problem gamblers are generally referred into the second-tier services (National Problem Gambling Clinic and Gordon Moody Association) from earlier levels of intervention, it is unlikely that councils would need to establish direct contact with these services although individuals themselves can seek to self-refer to any of these services.

Alongside the treatment support funded through GambleAware, other charities also provide support to people experiencing issues with harmful gambling and those around them, some of which are listed below.

The **Citizens Advice Bureau** helps people resolve legal, financial and other problems by providing free information and advice.³⁰ GambleAware recently commissioned Newport Citizen's Advice to undertake a pilot of training across Citizen's Advice services. The pilot focused on providing training to Citizen's Advice staff, so that they are aware of issues connected to problem gambling and able to screen for it, and developed a toolkit³¹ on supporting clients affected by gambling related harm. GambleAware are now working with Citizens Advice to extend this pilot nationally and will contact local authorities when their local service offers this support.

Gamblers Anonymous³² runs local support groups for people with gambling addictions and advocates the same 12-step approach to recovery as Alcoholics Anonymous. Gamblers Anonymous also offers help and support via their website, including a forum, chat room and literature. Anyone who is seeking help for gambling addiction is able to attend meetings.

Gam-Anon³³ is an organisation dedicated to supporting the husbands, wives, partners, relatives or close friends of someone with a gambling problem who have also been affected by the problem. Like Gamblers Anonymous, meetings are held throughout the country, with online support also available.

Betknowmore UK³⁴ are a London based organisation working to raise awareness and deliver support services for harmful gamblers and those around them. The support services are currently only available in London.

Samaritans³⁵ provides confidential emotional support to those in need of support or feeling suicidal, those worried about someone and those bereaved by suicide. They can be contacted by phone, email or in person at one of their branches across the country.

26 Part of the Central and North London NHS Foundation Trust.

27 www.cnwl.nhs.uk/cnwl-national-problem-gambling-clinic/refer/

28 www.gordonmoody.org.uk/

29 www.gamblingtherapy.org/en

30 www.citizensadvice.org.uk

31 www.citizensadvice.org.uk/Global/Public/Education%20resources/Financial%20capability/Resource%20toolkits/Gambling%20toolkit%20v1.0.pdf

32 www.gamblersanonymous.org.uk/#Literature

33 www.gamanon.org.uk

34 www.betknowmoreuk.org

35 www.samaritans.org/about-us

List of gambling treatment helplines and contact details

National Gambling Helpline

www.gamcare.org.uk/support-and-counselling/frontline-services/netline

Telephone: 0808 8020 133

Gamblers Anonymous

www.gamblersanonymous.org.uk

GamAnon

www.gamanon.org.uk

Email: contact@gamanon.org.uk

Telephone: 08700 50 88 80

Gordon Moody Association

Email: help@gordonmoody.org.uk

Telephone: 01384 241292

National Problem Gambling Clinic

Email: gambling.cnwl@nhs.net

Telephone: 020 7381 7722

How councils' regulatory tools can help tackle gambling-related harm

All councils have a role to play in relation to harmful gambling. For example, upper tier authorities may become involved through their public health teams, and different council services at both tiers of local government should have awareness of the issue of harmful gambling and potential interaction with their work. However, licensing authorities (district and unitary councils) also have a statutory role in regulating premises based gambling licensing.

Remote (online) gambling and non-remote gambling

Councils' statutory role in gambling licensing applies to gambling in premises, referred to as non-remote gambling. Remote gambling is the legal term for gambling undertaken other than in a premises, typically over the internet and therefore more commonly known as online gambling. This is regulated by the Gambling Commission.

With the wide availability of smartphone usage, online gambling is an increasing part of the overall gambling market. Gambling Commission statistics for the year ending December 2017 indicate that 51 per cent of gamblers gamble using mobile phones and tablets, an increase of 8 per cent on the previous year.³⁶

There is concern about the impact of online gambling in increasing the availability of gambling. While non-remote gambling is effectively restricted by hours of opening, someone with a smartphone or other access to the internet is able to gamble at any hour of the day. There are also specific

challenges associated with applying under-age checks and self-exclusion measures to online gambling. GAMSTOP is a resource that has therefore been developed to help people restrict their online gambling.³⁷

Councils' regulatory role applies only to non-remote gambling. However subsequent sections of this document focusing on the steps that can be taken to support those experiencing harm from gambling apply equally to harmful gambling issues linked to premises based or online gambling (or for many problem gamblers, a combination of both).

Licensing authority functions

The LGA has provided a comprehensive guide to councils' gambling licensing functions in our councillor handbook on gambling licensing³⁸; further guidance is also available in the Gambling Commission's Guidance to Licensing Authorities.³⁹ This document provides a summary specific to harmful gambling; further resources are listed at the end of this document on page 27.

As with alcohol licensing, licensing authorities are:

- required to develop an overarching statement of principles (referred to as the statement of policy) setting out how they will approach gambling regulation in their areas

³⁷ www.gamstop.co.uk/about

³⁸ www.local.gov.uk/sites/default/files/documents/10.18%20Gambling%20regulation%20councillor%20handbook_v06_WEB_1.pdf

³⁹ www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx

³⁶ www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Levels-of-participation-and-problem-gambling/Gambling-participation-and-problem-gambling.aspx

- responsible for issuing gambling premises licences, monitoring compliance with the terms of these licences and the wider Gambling Act, and taking enforcement action if necessary
- required to have regard to the Gambling Act's licensing objectives, one of which is protecting children and other people from being harmed or exploited by gambling.

Licensing statement of policy, local area profile and risk assessments

The statement of policy and local area profile are intended to help prevent gambling related harm occurring. They provide an opportunity to set out the local approach to gambling regulation, expectations of gambling operators and specific local circumstances. Local area profiles should be separate to the policy itself, so that they can be easily updated. A consultation process is required to update statements of policy, which are legally required to be updated every three years.⁴⁰⁴¹

The local area profile should identify different parts of the local area where there may be greater or specific risks of gambling related harm, whether because of the people likely to be in that area (for example, where there is a treatment centre or hostel); the other types of businesses in the area (for example, in an area with a vibrant night time economy, or where there are already multiple gambling premises), or because of the characteristics of an area (for example, if there are pre-existing issues with anti-social behaviour or crime).

Authorities can draw on some of the existing research highlighted in the first section of this document to identify specific at risk groups, coupled with their local knowledge of relevant issues and premises. This can help identify additional measures or protections that may need to be applied in those areas, for example specific licence conditions or a presumption that it may be harder to get a licence if it is felt that there is a greater risk to the licensing objectives in certain areas.

40 Licensing authorities are required to update their statements of policy by January 2019

41 Local Area Profiles are not a mandatory requirement, but the Gambling Commission and LGA encourage all licensing authorities to produce one.

To help develop their statements of policy, authorities should consult widely and with those who may have an insight or relevant data on any local risks or issues, including:

- organisations working with people who are problem gamblers, such as Gamcare and family support groups
- advocacy organisations, such as the Citizen's Advice Bureau
- homelessness and housing services / associations
- local public and mental health teams and safeguarding boards
- local businesses
- other tiers of local government, if applicable.

Licensing authorities may draw on GamCare data about the number of national helpline calls received from a specific area, or about the numbers of people treated in certain areas. However, as support services may be accessed anonymously these are unlikely to be fully comprehensive: the number of people seeking treatment locally may reflect awareness of its availability and the current map of local providers rather than the actual level of local need.

Given the limitations on data about problem gambling, GambleAware has commissioned a Treatment Needs Assessment, which may provide better assumptions on which to estimate local needs when it reports by the end of 2018.

Some licensing authorities have used mapping tools to help inform their local area profiles. As set out above, Westminster and Manchester City Councils undertook work to develop local risk maps for their areas⁴² using national and local data to identify hotspot areas at particular risk of gambling related harm. A number of other authorities including Warrington, Shropshire, Brighton and Hove and Barking and Dagenham councils have since replicated the approach themselves.⁴³

42 www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk/

The methodology and maps are also available at: www.westminster.gov.uk/gambling-research

43 Ref page 5: www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-January-2018.pdf

Authorities should also use their statements of policy to identify what they expect gambling operators to do to uphold the licensing objectives. Gambling businesses are required to undertake risk assessments for each of their premises. These must take the statement of policy into account, so it is important that authorities use their policies to set clear guidelines for operators.⁴⁴

Risk assessments are not required to be shared with licensing authorities (unless a business is applying for a new premises licence or to vary an existing one) but authorities can ask to receive copies of them, and can also require that they are kept on the relevant premises. This is a good way to check that the assessments are locally tailored and owned by premises managers rather than being a tick box exercise undertaken by regional or head office.

Working with gambling businesses

Gambling operators must comply with the Gambling Commission's licensing conditions and codes of practice (LCCP).⁴⁵ The social responsibility code requires them to have and put into effect policies and procedures to promote socially responsible gambling and these should reduce the risk of and seek to identify problem gambling. Licensing authorities should ensure that businesses are meeting these obligations and encourage them to strengthen their approaches to social responsibility.

The requirements on gambling premises under the social responsibility code are based upon key areas:

- **Provision of information on gambling responsibly** – for example, the availability of time or monetary limits for players and information on where to get help and advice about gambling.

44 Ref pages 2-3:
www.gamblingcommission.gov.uk/PDF/LA-bulletin/Licensing-authority-bulletin-January-2018.pdf

45 www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/LCCP/Licence-conditions-and-codes-of-practice.aspx

- **Customer interaction** – licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include staff training and the types of behaviour that may trigger an intervention or where staff may consider refusing services to customers.
- **Layout of premises** – operators must ensure that the layout of a gambling premises supports the effective supervision of the premises.
- **Self-exclusion**⁴⁶ – licensees must have procedures for self-exclusion that ensure that individuals who wish to self-exclude from gambling are prevented from participating in gambling. Self-exclusion schemes are now required to operate on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector.

Alongside the mandatory requirements, many sections of the industry have developed their own voluntary codes to promote responsible gambling, which local premises may also implement. GamCare also work with operators to provide certification⁴⁷ for 'best in class' player protection policies and practices and also provides training courses for industry on issues including identifying customers who may have an issue with gambling and communicating social responsibility messages to all customers, as well as more in depth training around customer interaction.⁴⁸

46 Whereby an individual opts to self-exclude from a gambling premises

47 www.gamcare.org.uk/training-and-certification/gamcare-certification-0

48 www.gamcare.org.uk/training-and-certification/identification-and-intervention-training

Licensing authorities can work proactively with local businesses to support them with their obligations in this area or to encourage them to adopt best-in-class measures, for example by making this a requirement through the statement of policy or specific premises licensing conditions.

Additionally, a number of licensing authorities have worked with local gambling premises to develop Betwatch or other partnership / code of practice schemes. The Gambling Commission have developed a toolkit to support local areas in developing Betwatch approaches.⁴⁹ These are likely to have a wider focus than harmful gambling, for example they may focus on reducing any anti-social behaviour associated with local premises, but can provide a useful forum for engaging with the industry and understanding any specific local work on harmful gambling.

Compliance and enforcement work

Licensing authorities should use their compliance and enforcement work to help ensure that local gambling premises are fulfilling their social responsibility requirements. Statements of policy must set out how authorities will exercise their inspection functions, including inspection activity (and what pre-planned visits will cover) and dealing with non-compliance by premises. There are a number of issues in relation to harmful gambling which authorities may wish to review during pre-planned or proactive compliance visits:

- details of training policies and training undertaken by staff
- records of refusals to serve or admit on age grounds
- the premises' approach to managing self-exclusion, how the premises fulfils the requirement to participate in multi-operator schemes and numbers of people currently self-excluded
- involvement or impact of any work in local

⁴⁹ www.gamblingcommission.gov.uk/PDF/Betwatch-toolkit.pdf

gambling such as Betwatch schemes

- confirming that appropriate signage and information is in place.

Template assessment forms have been developed to support licensing authorities with their inspection visits.⁵⁰

The Gambling Commission publishes statistics of licensing authority activity⁵¹ in this area. With some returns showing limited or no compliance and inspection work by authorities, it is encouraging them to be more active, for example through additional compliance visits or test purchasing operations.

Many councils already operate their own under age test purchasing through trading standards and licensing teams, particularly in response to complaints or intelligence. Larger operators are now responsible for conducting or taking part in under-age testing and sharing these results with the Gambling Commission. Licensing authorities may choose to ask for copies of test purchasing results as part of their local risk assessment expectations and use this evidence to help target their own activity in this area. Authorities should have a plan in place for dealing with test purchase failures, for example, requiring a premises to undertake certain measures to address this and undergo a follow-up test within a specified amount of time. A second failure would be expected to lead to enforcement action.

What councils can do:

- Ensure there is an up to date local area profile and statement of licensing policy in place for the local area.
- Set out best practice expectations of local gambling operators and risk assessment processes.
- Use compliance visits and enforcement tools appropriately.
- Consider under age sales testing and

⁵⁰ www.llepbizgateway.co.uk/gambling-act-2005/

⁵¹ www.gamblingcommission.gov.uk/news-action-and-statistics/Statistics-and-research/Statistics/Licensing-authority-statistics.aspx

local partnership schemes such as Betwatch.

- Encourage local gambling businesses to apply for Gamcare certification⁵² for best in class player protection policies and undertake the Gamcare training courses.

Location of premises and the planning authority role

Many local authorities have been extremely frustrated at their inability to prevent the development of clusters of gambling premises, specifically betting shops, in their areas. This became a particular issue following the economic downturn of 2008, which saw betting shops relocating into vacant town centre premises. A particular concern has been the associated concentration of FOBTs in these clusters. Research undertaken by Geofutures for GambleAware has shown that clusters of premises and machines have typically been located in more deprived areas: 'areas close to betting shops tend towards higher levels of crime events, resident deprivation, unemployment, and ethnic diversity...players overall tend to live in neighbourhoods with higher levels of resident unemployment, multiple deprivation and economic inactivity.'⁵³

Neither the planning or licensing frameworks have provided clear options for refusing new or additional gambling premises. The Gambling Act includes a statutory aim to permit licensing which has made it difficult to refuse new licence applications. However in 2015 Westminster City Council drew on the work they were doing in developing local area profiling when considering a new premises application.

With the support of and evidence from a large number of residents the council was able to refuse an application for a new betting premises licence in an area with multiple existing premises where the local characteristics had led the authority to identify it as a location with a high risk to those who were vulnerable of harm from gambling. That profiling and evidence also led to the successful review of an existing betting shop in an area that was identified as posing a risk to those who were vulnerable and being a focal point for potential criminal activity.

There have been similar challenges in using the planning system to limit the opening of gambling premises. A number of councils previously sought to use Article 4 directions to remove permitted development rights to convert other types of premises into betting shops without the need for planning permission. However, changes to the planning system in 2015⁵⁴ effectively introduced this approach across all areas. As a result of the change, betting shops in England are now classed as sui generis (a use that does not fall within any use class). This means that any new betting shop must apply for full planning permission. The only exception to this relates to a new betting shop tenant moving into a unit formerly used (as its last known use) as a betting shop. In this circumstance, the new tenant would be able to operate under the previous user's planning use class.

This means that planning authorities now have some powers to manage the opening of new or additional betting shops in their areas. If an authority wished to refuse a new application for planning permission it would still need to do so by reference to its local plan and associated evidence base. Local Plans need to be approved through examination by the national Planning Inspectorate, and councils would need a robust evidence base to include restrictions on betting shops.

52 www.gamcare.org.uk/training-and-certification/gamcare-certification-0

53 http://infohub.gambleaware.org/wp-content/uploads/2015/08/b2gamingmachines_finalreport_20150218.pdf

54 The Town and Country Planning (Use Classes) (Amendment) (England) Order 2015

Newham Council recently received Planning Inspectorate approval for a pioneering cumulative impact approach in their local plan⁵⁵ which introduces limits to numbers of betting shops (and fast food outlets), ensuring they are separated from each other in the street scene. This new policy prevents new betting shops from locating in areas where there are already three units of the same use within a 400 metre radius (typically a five minute walk) and seeks to achieve a benchmark of 67 per cent of leisure uses in town centres being 'quality leisure' (ie, excluding betting shops and takeaways).

It remains to be seen what impact the Government's proposed reduction of maximum FOBT stakes will have on the presence of betting shops on high streets once it is introduced. There will be a need to monitor how the change impacts the overall market for non-remote gambling and the implications for numbers of different gambling premises, not just betting shops. Depending on this, councils may wish to reflect any changes in trends in their local plans.

What councils can do:

- Update local plans to include planning policies relating to betting shops.
- Consider whether and how planning policies relating other gambling premises should be included within local plans.

⁵⁵ www.newham.gov.uk/Documents/Environment%20and%20planning/EB01.%20Evidence%20Base%20-%20Cumulative%20Impact%20V2.pdf

The role of public health

Harmful gambling is a health inequality and social justice issue that needs to be addressed through partnership between public health and other council teams using national rules and regulations to their full advantage. It is increasingly recognised as a public health issue, with the Responsible Gambling Strategy Board in particular emphasising the need for a public health response.

The LGA and Public Health England are clear that a public health response does not equate to local public health funded services having a responsibility for providing treatment for problem gamblers. Councils are not currently funded to provide support for problem gamblers under the terms of the transfer of responsibility to local government in 2013, and are not part of the treatment framework outlined in section two of this document.

However, both local government and health services can do more to ensure that people experiencing harms from gambling are identified – whether through primary or secondary care, or through council services - and signposted to support and treatment.

It is clear that public health teams can play a strategic role in relation to harmful gambling, and should consider the overlaps between problem gambling and other local public health issues, given the high levels of co-morbidity with mental health problems and the negative financial, health and relationship impacts of harmful gambling on problem gamblers and those around them.

A number of local authorities have undertaken a full strategic needs assessment in relation to gambling. Using public health and spatial mapping tools (such as the Geofutures approach adopted by a number of authorities) it is possible to identify physical areas of vulnerability.

Local public health teams can also engage with the issue by identifying and promoting local pathways of care to existing treatment provision and support for harmful gamblers and their families – and raising awareness of the issue.

It is important to increase public health teams literacy around problem gambling so they can support services to recognise the signs of problem gambling, assess and signpost to appropriate support. GambleAware has commissioned The Royal Society for Public Health to develop e-learning tools to support all those working with members of the public to understand better and respond to gambling-related harms.

The Gambling Commission has produced a briefing note on the issues where it believes public health can play a role, including the development of statements of licensing policy (considered in the previous section) and working with local health professionals to increase awareness of the issue.⁵⁶

⁵⁶ www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf

Sheffield problem gambling service audit 2017-18⁵⁷

Sheffield City Council's public health team undertook a mapping exercise to understand how equipped the city's services are to identify, treat and refer problem gamblers. A survey was sent to community based organisations and service providers, asking whether they had received information or training on problem gambling, screened for problem gambling, offered treatment services or knew where to refer problem gamblers to.

Only one of 31 responding organisations had received information or training in the last year. While a handful reported that they asked questions about gambling as part of routine assessment and care planning, only one organisation used validated screening tools for assessment. Around half of respondents replied that they knew to refer problem gamblers, but there was limited awareness of the local GamCare commissioned provider services (compared with greater awareness of Gamblers Anonymous and Gamcare itself) and therefore a risk that those identified may have been inappropriately referred.

Harmful gambling and suicide prevention

Each and every suicide that takes place is a tragedy. On average in England 13 people take their own lives every day. This affects their families, their friends and people they work and live with. For every death, another six to 60 people are thought to be affected directly. Relationships break down, careers suffer and mental health worsens.

Councils have been active on suicide prevention work in recent years, through the development of mandatory local suicide action plans and their work with health and wellbeing boards. Many have also formed multi-agency suicide prevention partnerships, incorporating health bodies, the voluntary sector, criminal justice system and those affected by suicide.

Suicide audits – led by public health teams – have also been taking place. They have identified the context in which suicides occur, the local groups most at risk and how the picture has been changing over time. Alongside data from the Office for National Statistics and Public Health England, local data on individual suicides has also been gathered from coroners' reports, while health, social care and employment data has provided vital information about risk factors.

Studies have suggested that 49% of people struggling with gambling disorder have suicidal thoughts. However, data on the cause of death in cases of suicide is not recorded centrally with a level of granularity that would list gambling as a factor, and there is therefore a lack of clarity about the number of suicides each year where gambling is involved.

Although there is limited data and research available on this issue, public health teams should consider the potential links between their work on suicide prevention and harmful gambling.

⁵⁷ www.yhphnetwork.co.uk/media/1590/problem-gambling-audit-2017-8-findings-sheffield-city-council.pdf

What councils can do:

- Contribute data and insight to the development of local area profiles to support licensing statements of policy.⁵⁸
- Ensure public health teams are aware of harmful gambling and can support services to screen, assess and signpost to appropriate support.
- Identify local organisations providing treatment and support, to assist signposting.
- Identify appropriate referral pathways.
- Work through the Health and Wellbeing Board to develop a coherent approach to problem gambling, include focused prevention work with potential high-risk groups.
- Clinical Commissioning Groups should be encouraged to raise awareness of harmful gambling amongst primary care professionals and work with local authorities to signpost to local and national support services.
- Mental health service providers should consider how they can best identify harmful gambling and provide access to specialist support, particularly for young people presenting through child and adolescent mental health services (CAMHS).

⁵⁸ Local health profiles may be useful:
www.gov.uk/government/statistics/2017-health-profiles

A council wide approach to identifying people impacted by harmful gambling

As stated previously, there are steps that councils can take to help identify local problem gamblers (and those close to them) and assist and encourage them to access the support that is available from other organisations.

It is clear that a range of different council services will be interacting with problem gamblers, or people who are negatively impacted by it. These include:

- Drug and alcohol treatment services, given high rates of co-morbidity between these addictions and gambling addiction.
- Homelessness services, given the high prevalence of problem gambling among the homeless population.⁵⁹
- Wider housing services, given that problem gambling can be a contributory factor in rent arrears.
- Financial inclusion services, given that problem gambling can be a contributory factor in financial problems.
- Children's services and adult social care, where problem gambling may be a contributory factor to family breakdown or domestic abuse.

However, it is clear that few, if any, councils have an understanding of the scale of harmful gambling in their areas or how it is contributing to demand for local services. This is partly because harmful gambling is often hidden, connected with social embarrassment and therefore not admitted to with few visible signs to make it obvious.

⁵⁹ GambleAware published a recent report on gambling and homelessness - http://infohub.gambleaware.org/wp-content/uploads/2018/04/Sharman_Gambling_Homelessness2018-Final-Report.pdf

It is also because the tools and knowledge are currently not in place to enable councils and their partners to screen for harmful gambling, often due to low awareness of the issue. These factors mean that many people experiencing problem gambling are not accessing support, as highlighted by the gap between the estimated number of problem gamblers and those receiving treatment.

Problem gambling in Leeds – research report and follow up

In 2016, Leeds City Council commissioned Leeds Beckett University to conduct a study⁶⁰ of the prevalence of problem gambling in the city, using funding from a social inclusion fund established alongside the grant of a premises licence for a large casino in the city centre. The subsequent work was led within the council by the financial inclusion team, which since 2014 had been working to support the council's priority of tackling poverty and reducing inequality. The research by Leeds Beckett University demonstrated a clear link between harmful gambling and the council's priority to tackle poverty, as well as with the priorities in the council's health and wellbeing strategy.

The research identified that rates of problem gambling in Leeds are double the national average, with around 10,000 problem gamblers in the city and a further 30,000 at risk. The researchers estimated that problem gambling rates in Leeds (and similar more urban and densely populated areas across London, the north and other metropolitan borough areas) are, at 1.8 per cent, broadly twice the national average.

⁶⁰ www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Rates of at risk gambling were more consistent with the national average, at 5-6 per cent. Overall, the research found that around 7-8 per cent of people in Leeds were found to be either problem or at risk gamblers, compared with a national average of 5-6 per cent.⁶¹

In the context of above average rates of problem gambling, there was a comparative lack of treatment support available, with just a single counsellor and a lack of awareness of the resource.

The research identified a lack of awareness among council staff and partner organisations about the issue of problem gambling, and a need for staff in a range of services to be more familiar with the issue, including customer contact, libraries, housing, schools, welfare and advice agencies, children's centres and public health.

As a result of the research, Leeds has begun a programme of training for frontline staff, as well as a series of strategic briefings both internally and externally. The council also sought to raise awareness of the issue through a marketing campaign throughout the city (www.talkgamblingleeds.org.uk).

As Leeds council's work demonstrated, there are some straightforward steps that councils can take to understand the scale of problem gambling in their areas, and to start signposting people to the help they need.

Identifying an organisational lead/s on harmful gambling

Councils may find it helpful to identify an organisational lead on harmful gambling at member or officer level to drive work on developing a council-wide approach to gambling related harm. This role may naturally fit with public health teams, although council licensing and financial inclusion teams have played a leading role in some places.

61 www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Links to support organisations

An important early step is to establish contact with national and local organisations providing support to problem gamblers, and their families to understand the extent of provision and appropriate referrals within the local area. GamCare is an obvious first point of contact and reference point for understanding provision in the local area. Similarly, links to local Gamblers Anonymous and GamAnon groups may be helpful. However, there may also be other local charities working with problem gamblers, for example Betknowmore⁶² in north London, which public health teams or local third sector organisations are likely to be aware of.

Working with local partners

Councils should also think about how they could take forward this work in conjunction with key local partners such as the police, health services, housing associations, faith and community groups and others. There is a growing awareness of harmful gambling as an issue and the steps identified here will apply equally to other public sector organisations.

Training for front line services – screening and signposting

A clear piece of learning from Leeds' work was the need to provide training for frontline staff who may be coming into contact with problem gamblers or people directly impacted by it, such as children's and family services or housing services. For some staff (particularly in partner organisations) it may be appropriate to provide training in some of the formal screening tools that are available, for example, the Problem Gambling Severity Index or Lie/Bet.^{63 64}

62 www.betknowmoreuk.org

63 Ref page 5 www.gamblingcommission.gov.uk/PDF/survey-data/England-Health-Survey-Findings-2016.pdf and <http://infohub.gambleaware.org/document/the-lie-bet-questionnaire-for-screening-pathological-gamblers/>

64 GambleAware have also recently developed the GAST tool, which has recently been piloted.

The key outcome of this should be that relevant frontline staff are aware of the issue and clear about what to do if they identify someone who has a gambling problem. Putting in place effective mechanisms to signpost or refer people to relevant support agencies will be a crucial part of this. As frontline staff begin to identify and refer people with gambling issues, or those affected by them, data on this should be collected and used to support local licensing statements.

GamCare offer a range of paid-for training sessions⁶⁵ which councils can access, including a problem gambling awareness course and a session on identification and brief advice for problem gambling.

Cheshire criminal justice pilot scheme⁶⁶

GamCare and Beacon Counselling Trust undertook a pilot with the criminal justice system in Cheshire in which 250 individuals across the wider criminal justice system were trained to use the Lie/Bet screening tool. 760 individual screenings subsequently took place, with 99 positive results recorded; 29 of these people chose to receive an intervention from problem gambling treatment services.

As part of the pilot, Cheshire police began to screen people for gambling issues at the point of arrest. The police force already screen people for drug or alcohol issues and when questions about gambling were added, 13 per cent of those arrested confirmed that they had a gambling issue –thirteen times higher than the national average.

Improving and collecting data

As processes for screening and signposting problem gamblers become embedded, it is important that councils and their partners build up the evidence base about the prevalence and nature of harmful gambling in the local area. Developing a better understanding of local harmful gambling, the impact of problem gambling on individuals, families and communities, and the cost of this to the public purse and local taxpayers will be extremely helpful, for example in terms of the licensing statement of policy and local joint strategic needs assessment. It will also help to provide evidence about any regulatory changes which may be required to help prevent and address problem gambling.

What councils can do:

- Consider designating an organisational lead for harmful gambling issues.
- Awareness raising and training for relevant frontline staff and partner organisations.
- Develop relationships with local treatment organisations.
- Implement screening processes and strengthen data collection.

⁶⁵ www.gamcare.org.uk/sites/default/files/file_attach/GamCare%20Local%20Authorities%20Brochure%202018%20%28web%29.pdf

⁶⁶ www.gamcare.org.uk/news/gamcare-partner-pilots-problem-gambling-screening-cheshire-police

Other resources and research

Gambling Commission public health and safeguarding toolkit

www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Public-health-and-Safeguarding-toolkit.aspx

Gambling Commission public health briefing

www.gamblingcommission.gov.uk/PDF/Gambling-related-harm-as-a-public-health-issue.pdf

GambleAware Brief Intervention Guide

<http://infohub.gambleaware.org/resources/>

GamCare local authority resource guide

www.gamcare.org.uk/local-authority-services

Institute of Public Policy Research paper on costs of problem gambling

www.ippr.org/publications/cards-on-the-table

Leeds City Council research into local problem gambling

www.leeds.gov.uk/docs/Problem%20Gambling%20Report.pdf

Yorkshire and Humber problem gambling masterclass

www.yhphnetwork.co.uk/links-and-resources/problem-gambling-knowledge-exchange/problem-gambling-masterclass-260118/

Citizen's Advice toolkit

www.citizensadvice.org.uk/Global/Public/Education%20resources/Financial%20capability/Resource%20toolkits/Gambling%20toolkit%20v1.0.pdf

Responsible Gambling Strategy Board – problem gambling as a public health issue briefing paper

www.rgsb.org.uk/PDF/Gambling-related-harm-as-a-public-health-issue-December-2016.pdf

Chief Medical Officer for Wales Annual Report 2016/2017 'Gambling with our health'

<http://gov.wales/docs/phhs/publications/cmo-report2017en.pdf>

Young Gamblers Education Trust

www.ygam.org/

Demos - A Teaching Resource To Promote Resilience

<http://infohub.gambleaware.org/wp-content/uploads/2018/03/Gambling-Education-Teaching-Resource-Booklet.pdf>

<http://infohub.gambleaware.org/wp-content/uploads/2018/03/FINAL-Gambling-education-slides.pdf>

The Fast Forward Gambling Education Toolkit

<http://fastforward.org.uk/gamblingtoolkit/>

National Centre for Social Research - gambling behaviour in Great Britain 2015

www.gamblingcommission.gov.uk/PDF/survey-data/Gambling-behaviour-in-Great-Britain-2015.pdf

Local suicide prevention planning: A practice resource

www.nspa.org.uk/wp-content/uploads/2016/10/PHE_LA_guidance-NB241016.pdf



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Gambling regulation

Councillor handbook
(England and Wales)

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Foreword

The 2005 Gambling Act was a pivotal point in gambling regulation in the UK. By liberalising previous gambling legislation, it established gambling as a mainstream leisure and social activity. Recent data shows that in the year to December 2017, 45 per cent of people had participated in some form of gambling, almost evenly split between men, 48 per cent, and women 41 per cent.

But even since the Gambling Act was introduced, the gambling landscape has changed significantly. Technological developments mean that significant numbers of people gamble remotely; 18 per cent of those who gambled in 2017 gambled online. This has gone hand in hand with a significant increase in the volume of gambling advertising, particularly linked to sports.

We have also seen significant changes in the physical presence of gambling in our local areas. While much of the concern that accompanied the introduction of the Act centred on the prospect of large scale casinos, in practice it has been patterns of betting shop clustering and the use of fixed odds betting terminals inside those betting premises, that have generated significant political and public concern.

As this handbook was being updated, the Government's consultation in its review of gaming machines and social responsibility measures closed. Having lobbied for several years for a substantial reduction in fixed odds betting terminal (FOBT) stakes, we are hopeful that the review will deliver this and remove high stakes gambling from our high streets.

Originally developed in 2015 to provide an overview of the responsibilities binding on licensing authorities and gambling operators in their areas, this handbook has been updated to coincide with the revision by licensing authorities of their statement of licensing principles by January 2019. The changes introduced two years ago to both statements of principles and the licensing conditions and codes of practice – which sought to tailor local approaches to licensing and strengthen operator social responsibility measures – have begun to embed, and there is a now a range of good practice for councils to build on.

Licensing statements, backed up by local area profiles, provide an opportunity for authorities to set out how gambling will be regulated in their areas, and their expectations of operators. They can be used to identify areas where the risk of harm from gambling may be greater due to the particular characteristics of an area, and how these risks can be mitigated. The Local Government Association (LGA) encourages all of its members to ensure they develop statements of principles, area profiles specific to their locality, and to make use of the range of tools that are available.

I hope you find the handbook useful.



Councillor Simon Blackburn

Chair, LGA Safer and Stronger Communities Board

The regulatory framework – an overview

The Gambling Act 2005 (the Act) consolidated and updated previous gambling legislation, creating a framework for three different types of gambling: gaming, betting and lotteries. Gambling can take the form of non-remote gambling, which takes place in a gambling premises, and remote gambling, which is typically undertaken by phone or online. Councils do not have any regulatory responsibilities in relation to remote gambling.

The Department for Digital, Culture, Media and Sport (DCMS) is the lead government department for gambling issues.

The Gambling Commission

The Gambling Commission is responsible for regulating gambling in accordance with the Act, and for issuing operating licences to gambling businesses and personal licences to individuals. In regulating gambling, the Commission is required to have regard to the three licensing objectives for gambling, which are:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

Principles to be applied by licensing authorities



The Commission is **required to aim to permit gambling**, providing that it is consistent with the licensing objectives.

To help fulfil its role, the Commission attach licence conditions and issue codes of practice relating to how gambling facilities should be provided, and guidance to licensing authorities (district councils and unitary authorities) on how to implement their responsibilities under the Act.

Licensing authorities and types of gambling

Licensing authorities¹ are a key partner in gambling regulation, with a responsibility for overseeing non-remote gambling in their local areas. This involves:

- setting the local framework for gambling through their statement of principles
- considering applications and issuing licences for premises where gambling takes place, with conditions where appropriate
- reviewing or revoking premises licences
- issuing permits for some forms of gambling
- undertaking inspection and enforcement activities, including tackling illegal gambling.

Although betting shops are the most commonly recognised gambling premises, councils are responsible for overseeing gambling in many different types of business:

- betting shops
- bingo halls
- adult gaming centres
- family entertainment centres (FECs)
- casinos
- race-courses and other tracks (defined as sporting venues, eg football or rugby stadiums)
- alcohol licensed premises and clubs that have gaming ('fruit') machinesmembers' clubs with gaming permits.

¹ District and unitary councils

While most gambling establishments require a premises licence before they are able to operate, licensing authorities issue 'permits' to unlicensed family entertainment centres (uFECs) (typically found in seaside resorts, motorway service stations or airports) and to alcohol licensed premises and clubs.

Licences or permits enable businesses to provide specified maximum numbers and types of gaming machine. There are different types of gaming machines, with varying stakes (the amount allowed to be gambled at one time) and prizes (the amount the machines are allowed to pay out), and some types of machine are only allowed in specific premises. This is outlined in the table in Annex 1. Maximum stakes and prizes are set by the DCMS, and are currently subject to a triennial review. At the time of publication, with the Government's consultation on stakes closing only in January 2018, the majority of stakes and prizes look set to remain unchanged, with the exception of an expected significant reduction in the maximum B2 stake ('FOBTs', commonly found in betting shops) and an increase in prize gaming stakes and prizes.

Like the Gambling Commission, **licensing authorities are bound by a statutory aim to permit** and must grant premises licences so long as applications are in accordance with:

- the Gambling Commission's codes of practice
- the guidance to local authorities
- the licensing authority's own statement of principles
- the three licensing objectives.

Since the Act was introduced, a number of licensing authorities have been frustrated at their limited grounds to refuse premises applications. Authorities that have tried to reject applications – on the basis that there are already clusters of betting shops on their high streets – have generally seen their decisions overturned on appeal. This is partly because the licensing objectives under the Act are different to those under the Licensing Act 2003, in that they do not include public

safety or the prevention of public nuisance, creating a very high bar for refusing premises applications on the basis of licensing objectives. More recently, however, Westminster Council refused an application for a premises licence in a street that already had a number of betting shops, on the grounds that it was in an area identified as being at high risk of harm from gambling due to the local characteristics. This demonstrates the importance of having an evidence based local area profile to draw on, and using this to inform the local statement of principles (see page 14).

Planning considerations, the aim to permit and gambling premises

Councils have sometimes sought to use the planning system to prevent further openings of gambling premises (specifically betting shops) where they believe that additional premises will damage local high streets or economies. However, these decisions have been overturned, this time by the Planning Inspectorate, if councils have not been able to evidence that decisions have been reached on the basis of material planning considerations.

Following lobbying by the LGA and others, in 2015 the Government introduced changes to the planning system in England that remove permitted development rights from betting shops and payday loan shops, which are now 'sui generis', ie in a use class of their own. This means that anyone wishing to change the use of an existing building to a betting shop will need to apply for planning permission to do so.

To refuse new planning applications, a council would need to have valid planning grounds; in turn, this is likely to link back to the council's local planning policy and development plan. As with licensing statements, planning decisions will be stronger if they are linked back to evidence based criteria explicitly set out in local plans. The Planning Inspectorate has approved an amendment to Newham Council's local plan whereby small changes to places can now be assessed cumulatively rather than in isolation and which introduces limits to the numbers of betting shops (and other outlets) ensuring they are separated from each other in the street scene. This new policy

criteria also prevents new betting shops from locating in areas where there are already three units of the same use within a 400m radius (typical five minute walk). This is a welcome development.

The LGA would still like to see a statutory brake on the aim to permit included in the licensing framework. However, anecdotal evidence suggests that the planning change has led to a fall in the number of applications for new or relocated premises, and it remains to be seen what impact a reduction in FOBT stakes make have in areas where there are clusters of betting shops. We will continue to keep this area under review.

Under the Act, councils are required to recover the costs of the gambling licensing function, and have discretion to set fees up to specified maximum levels set for England and Wales by the Secretary of State. Fee setting is considered in more detail in the specific section later in this document.

Licensing fees should cover the costs of gambling licensing administration and the compliance/enforcement activity undertaken by a council. As with the Licensing Act 2003, councils have a range of licensing tools that can be used to address issues linked to gambling premises, specifically reviewing existing licences, imposing conditions or – in the most serious cases – revoking licences. However, there is also scope for councils to use other more appropriate powers to tackle certain types of challenges. For example, certain anti-social behaviour powers may be better suited to dealing with anti-social behaviour issues linked to gambling premises. This is considered in more detail in the subsequent section on managing individual premises and enforcement.

Operators

Gambling businesses are required to have an operator licence issued by the Gambling Commission before they can operate in Great Britain. Operator licences can be issued for up to ten different types of gambling activity² and a separate licence is needed for both remote and non-remote gambling of the same types.

An operator licence gives a general authorisation for a business to provide gambling facilities, but a business wishing to provide non-remote gambling facilities in a licensing authority area is required to apply for a premises licence that is specific to the particular premises.

Operators are required to comply with conditions attached to both their operator and individual premises licences. They are also required to adhere to the mandatory provisions in the Gambling Commission's Social Responsibility Code of Practice and take account of the provisions in the Ordinary Code of Practice (although these are not mandatory).

The Licence Conditions and Codes of Practice (LCCP) were updated in April 2015, and have introduced significant new responsibilities for operators in relation to their local premises.

Since April 2016, all non-remote licensees that run gambling premises have been required to assess the local risks to the licensing objectives arising from each of their premises, and have policies, procedures and control measures to mitigate them.

Licensees are required to take into account the licensing authority's statement of principles in developing their risk assessments – licensing authorities can challenge risk assessments if they feel there is evidence that local risks have not been taken into consideration (for example, if there are generic risk assessments for different premises).

Local risk assessments should also be undertaken or reviewed and if necessary updated by operators:

- when applying for a new licence or to vary a premises licence to reflect significant changes
- to local circumstances, including those identified in the statement of principles
- when there are significant changes at the premise which may affect mitigation of local risks.

Operators are advised to share their risk assessments when submitting such applications.

A partnership approach to local regulation

In line with the principles of better regulation, the Gambling Commission are encouraging operators and licensing authorities to work together in partnership. The LGA also recognises the value of this approach, having convened a 'Betting Commission' in 2014 to bring together councils and representatives of the betting shop industry to discuss council concerns about clustering and fixed odds betting terminal (FOBT) machines.

The Betting Commission did not reach agreement on the changes that councils wish to see in relation to council powers in this area, and the LGA policy position remains that councils need stronger powers to shape their local high streets by refusing licences if there is already a concentration of gambling premises in the area.

However, the work of the Betting Commission indicated that there is willingness across the betting shop industry to work collaboratively to tackle local issues linked to betting shops, as evidenced in some of the later case studies in this document.

² The ten types of operator licences are for: casinos; bingo; general betting; pool betting; gaming machines for adult gaming centres; gaming machines for family entertainment centres; gambling machines – technical; gambling software operating; lottery operating.

Role of councillors and the licensing authority

Overview

Under the Act, the licensing authority's responsibilities are delegated to the authority's licensing (or regulatory) committee, which is likely to be made up of non-executive/cabinet councillors.

The licensing committee is likely to be responsible for considering and proposing the authority's gambling policy through developing the statement of principles prior to its approval by full council, and for taking decisions on specific licence applications or issues.

However, two core functions are not delegated and remain the responsibility of the full council:

- a resolution not to issue casino premises licences
- adopting the licensing statement of principles.

Fee-setting is not delegated to the licensing committee by default, but a licensing authority may choose to delegate this function.

Otherwise, fee-setting remains a council function and cannot be delegated to a cabinet or executive committee. As in other areas, fees should be reviewed annually.

Decision-making in respect of individual cases, whether applications for licences or relating to existing licences, may be further delegated from the licensing committee to a sub-committee, or to an officer. Officers may not, however, exercise delegated powers in the following circumstances:

- where an application has been made for: a premises licence; a provisional statement (in relation to a premises expected to be built); a club gaming or club machine permit; or to vary an existing premises licence, and representations have been made

- where an application has been made to transfer a licence, and a representation has been made by the Gambling Commission or a responsible authority
- in the case of a review of an existing premises licence.

Interested parties and responsible authorities

Unlike the Licensing Act 2003 framework, representations may be made by or on behalf of 'interested parties' defined as:

- people living sufficiently close to a premises to be likely to be affected by it
- whose business interests may be similarly affected
- people representing them (eg advocates, neighbours/residents /tenants associations, MPs, councillors, etc).

It is up to the licensing authority to determine whether a person is an interested party with regard to a particular premises or application, and this should be decided on a case-by-case basis. However, the licensing authority's statement of principles should set out the principles the authority will apply in doing so. The Gambling Commission's 'Guidance to licensing authorities' advises that this may include:

- the size of premises (eg, a larger premises might be expected to affect people over a broader geographical area)
- nature of the premises
- distance of the premises to a person making the representation

- the potential impact of the premises, eg number of customers, routes likely to be taken to visit the premises
- the circumstances of the person who lives close to the premises.

The Commission also states that licensing authorities should take a broad interpretation of business interests, to include partnerships, charities, faith groups and medical practices. In respect of gambling businesses themselves, it advises that authorities consider the size and catchment of a premises, and whether the person making the representation has business interests in the catchment area which might be affected.

Representations may also be made by 'responsible authorities', defined under the Act as the:

- licensing authority
- Gambling Commission
- police
- fire and rescue service
- planning authority
- an authority with responsibility for minimising the risk of pollution to the environment or of harm to human health in the area where the premises is situated, ie environmental health
- local safeguarding board
- Her Majesty's Revenue and Customs.

Decision making and conditions

In circumstances where the committee or sub-committee considers specific cases, it sits as a quasi-judicial body and therefore must follow the rules of natural justice – **anyone affected by a decision has a right to be heard and no one should be a judge in his own cause. All decisions should be made without 'fear or favour', however difficult they may be.**

In general, the volumes of applications and cases dealt with in respect of the Act will be significantly less than in relation to alcohol

or taxi licensing. However, in broad terms, committees have similar options available to them when considering an application/issue relating to a gambling premises as they do in relation to alcohol licences and taxis:

- to grant a licence, with or without conditions, or refuse it
- when reviewing a licence
 - do nothing
 - introduce conditions on a premises licence
 - revoke a licence.

Licensing authorities may attach specific conditions to premises licences, in addition to the mandatory and default conditions that apply either because they are set out in the Act or in regulations made by the Secretary of State. In relation to an individual premises, they may also choose to disapply default conditions set out in regulations which would otherwise apply to all premises licences.

The Gambling Commission's Guidance to Licensing Authorities (GLA) advises that premises licence conditions issued by authorities should 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
- reasonable in all other respects.

The GLA also states that 'decisions on conditions should be taken on a case by case basis. [Licensing authorities] must aim to permit the use of premises for gambling and so should not attach conditions that limit their use except where it is necessary in accordance with the licensing objectives, the Commission's codes of practice and guidance, or their own policy statement. Conversely, licensing authorities should not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.'

Good practice on licensing conditions

In any area of licensing, conditions must not:

- exceed the council's powers set out in the controlling legislation ('ultra vires')
- be unreasonable or disproportionate ('Wednesbury unreasonable')
- be beyond the applicant's powers to comply with
- be for an ulterior motive
- **but must** be clearly stated in order that they can be properly understood to be complied with and enforced.

Both applicants seeking new licences and the holders of existing licences will have the right of appeal to the local magistrates' or crown court if they are aggrieved by the decision of the licensing committee.

Training of councillors

No councillor should be permitted to sit on a licensing committee or sub-committee without having been formally trained. The 2017 post-legislative scrutiny report by the House of Lords Select Committee into the Licensing Act 2003 was emphatic on the need for councillors to receive appropriate levels of training before sitting as a member of a licensing committee or sub-committee.

It is important that training does **not** simply relate to procedures, but also covers the making of difficult and potentially controversial decisions, and the use of case study material can be helpful to illustrate this.

All training should be formally recorded by the council and require a signature from the councillor.

In addition to in-house training, there are a number of independent training providers, including the professional bodies – the National Association of Enforcement and Licensing Officers (NALEO), and the Institute of Licensing (IoL). The LGA has also made available a free online module on regulatory

services for all councillors to use: https://lms.learningnexus.co.uk/ivy_lms/idxlms.htm³

Appearance of bias

While third party lobbying of elected members is legitimate and certain members may make representations to the licensing committee on behalf of 'interested parties', it is crucial for the licensing authority and its committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.

Section 25 of the Localism Act 2011 does not prevent members from publicly expressing a view about an issue or giving the appearance of having a closed mind towards an issue on which they are to adjudicate. However it is recommended that to avoid an appearance of bias the following advice should be observed:

- No member sitting on the licensing sub-committee can represent one of the interested parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the sub-committee which is considering the application. Case law has also established they should not be in the room for the hearing once an interest has been declared.
- If a member who sits on the licensing sub-committee is approached by persons wishing to lobby him/her as regards the licence application then that member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her ward member or the licensing officer who can explain the process of decision making. If the member who sits on the licensing sub-committee wishes to represent them then s/he will need to excuse him/herself from the licensing sub-committee.
- Members who are part of the licensing

³ To register for log in details to access the e-learning course email elearning@local.gov.uk

sub-committee must avoid expressing personal opinions prior to licensing sub-committee decision. To do so will indicate that the member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives nor the statement of licensing principles.

- Political group meetings should never be used to decide how any members on the licensing sub-committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration. It may be advisable that the chair of the licensing sub-committee should state, during proceedings, that no member of the sub-committee is bound by any party whip.
- Councillors must not be members of the licensing sub-committee if they are involved in campaigning on the particular application.
- Other members (ie, those who do not sit on the licensing sub-committee) need to be careful when discussing issues relating to matters which may come before the licensing sub-committee members as this can easily be viewed as bias/pressure and may well open that sub-committee member to accusations of such. While a full prohibition upon discussing such issues with committee members by other members may be impractical and undemocratic, local authorities are advised to produce local guidance for members on how such matters can be dealt with⁴. Such guidance could include a definition of what is viewed as excessive, eg attempting to obtain a commitment as to how the member might vote.

- Members must also be aware of the need to declare any pecuniary or non-pecuniary interests in matters that may come before them, whether these relate to policy issues or to specific applications.
- Members must not pressurise licensing officers to make any particular decisions or recommendations as regards applications.
- Behaviour is also governed by the member's code of conduct which councillors should have regard to, and most authorities also have a member/officer protocol which governs how members and officers should interact and the differences in their roles and responsibilities
- Councillors should consult their monitoring officers for further advice where necessary.

4 'It is undemocratic and impractical to try to prevent councillors from discussing applications with whomever they want; local democracy depends on councillors being available to people who want to speak to them. The likely outcome of a prohibition would be that lobbying would continue but in an underhand and covert way.' (Nolan Committee Report into Standards in Public Life 285 p. 72)

The licensing authority statement of principles

Under section 349 of the Act, licensing authorities are required to prepare a statement of principles that they propose to apply in relation to their regulatory responsibilities in gambling. Statements of principles typically run for a period of three years. There is nothing to prevent an authority from updating its statement more frequently if it wishes to, but the three yearly cycle must still be followed.

In previous years, the LGA has produced a template statement of principles for licensing authorities to adopt. However, following changes to the licensing conditions and codes of practice, reflected in the updated guidance to licensing authorities published in March 2015, we have produced the guidance below to assist licensing authorities in reviewing and considering their statements.

Objective and purpose

The objective of the statement of principles is to provide a vision for the local area and a statement of intent that guides practice: licensing authorities must have regard to their statement when carrying out their licensing functions. The statement cannot create new requirements for applicants outside of the Act, and cannot override the right of any person to make an application under the Act, make representations or seek a review of a licence. However, it can invite people and operators in particular to consider local issues and set out how they can contribute towards positively addressing them.

The updates to the licence conditions and codes of practice in 2015 have had a significant impact on the statement of principles. The **requirement for operators to**

prepare local risk assessments in relation to all their premises from April 2016 means that licensing authorities should now set out their expectations of operators' risk assessments, ideally in their statements.

This provides a real opportunity for councils to reflect local needs and issues in their gambling policies, in a similar way to licensing policy statements prepared under the Licensing Act 2003.

Most licensing authorities will not experience the same volume of applications in gambling as they do in other areas of licensing, but the issues of betting shop clustering and concern over FOBTs have shown that gambling generates extremely strong feeling. While licensing authorities may not have the power to refuse new applications or limit FOBT machines, developing detailed and robust statements of principles that reflect local circumstances will enable them to shape local gambling regulation as much as possible. A statement that reflects local circumstances and risks can help operators to better understand and proactively mitigate the risks to the licensing objectives.

Conversely, as in other areas of licensing, if an authority's statement of principles does not cover a specific issue, it will be in a significantly weaker position if it is ever challenged on a decision on that issue. It is always better to pre-empt legal challenge through a comprehensive statement of principles, and setting out a position in the statement should encourage an applicant to work with the council and community from the start to develop an application that will add to the local area, rather than detract from it.

As noted above, the changes to the LCCP in 2015 provided significant scope for authorities to develop statements of principles that are more closely tailored to their local circumstances. The Gambling Commission has recognised that developing more localised statements of principles will be an iterative process that takes place over time, as different information and more tools become available. However, as licensing authorities undertake the second reviews of their statement since the 2015 changes (with updated statements required by January 2019), the LGA strongly encourages authorities to look at the information and best practice that has been made available to support them, including:

- Geofutures' work with Westminster and Manchester Councils
- the Gambling Commission's [licensing authority bulletins](#), in particular the January 2018 bulletin.

The LGA believes that all licensing authorities should have an up-to-date statement including guidance for operators on risk assessments, as well as an accompanying local area profile.

Process

In developing their statements, the Act requires licensing authorities to consult with:

- local police
- those representing the interests of gambling businesses in their localities
- people likely to be affected by it (or those who represent them).

Authorities may also wish to consult with:

- organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, such as Gamcare, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions)
- local public health team and mental health teams

- local businesses
- other tiers of local government (where they exist)
- responsible authorities.

It is good practice to clarify in the consultation which aspects of the current statement you are proposing to change.

Cabinet Office guidance on public consultations⁵ state that the time required for a public consultation 'will depend on the nature and impact of the proposal (for example, the diversity of interested parties or the complexity of the issue, or even external events), and might **typically vary between two and 12 weeks**'.

Licensing authorities should look at the views submitted by consultees and consider carefully whether they should be taken into account in finalising their statements. A licensing authority should always be able to give reasons for the decisions it has made following consultation. However, they should ensure that they only consider matters within the scope of the Guidance, Act and Codes of Practice. Even if there is a large response regarding a certain issue, an authority may be unable to deal with the issue under the Gambling Act, although there may be other options for addressing issues raised (eg planning).

Given the requirement to undertake a consultation when the statement of principles is amended, authorities may wish to consider separating their statements into distinct segments (possibly by sector). This would ensure that they need only consult on the section they propose to amend, rather than on the full statement, if changes need to be made.

Licensing authorities are required to publish their statements four weeks prior to them coming into effect, eg on or by 3 January 2019 if the statement takes effect on 31 January 2019. Licensing authorities are required to publish a notice advertising the publication of the statement on or before it comes into effect.

⁵ Cabinet Office 2016: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/492132/20160111_Consultation_principles_final.pdf

Key issues for the statement of principles

Legal requirements

Licensing authorities are required to include within their statements a number of points set out in statutory regulations:

- setting out the three licensing objectives that the statement is intended to uphold
- a commitment to upholding the statutory aim to permit gambling
- a description of the geographical area to which the statement applies (typically a plan of the area)
- a list of those consulted in preparing the statement
- the principles the licensing authority will apply in designating a competent body to advise it about the protection of children from harm and, if already determined, who this body is. In most places, this will be the local safeguarding children board, or following changes brought in under the Children and Social Work Act 2017, the new local multi-agency safeguarding arrangement (see page 23).
- the principles the licensing authority will apply in determining whether someone is an interested party for the purposes of premises licences or applications for them (see page 8)
- the principles to be applied in relation to exchanging information with the Gambling Commission or other bodies with whom licensing authorities are authorised to share information under the Act
- the principles to be applied in exercising inspection functions and instigating criminal proceedings (see page 19).

If the licensing authority has agreed a 'no casino' resolution, this should be included within the statement, alongside details of how (ie by full council) and when the decision was reached. Each licensing authority should publish a separate statement of principles, even where joint arrangements might exist between a number of local authorities.

Local area profiles

The guidance for licensing authorities recommends that, like operators, licensing authorities complete and map their own assessment of local risks and concerns by developing local area profiles to help shape their statements. Although there is no mandatory requirement to do this, the LGA encourages all its members to do so as a matter of best practice. In simple terms, the objective of the profiles is to set out what your area is like, what risks this might pose to the licensing objectives, and what the implications of this are for the licensing authority and operators.

Licensing authorities are advised to keep their local area profiles separate to their statements, to **enable the profiles to be updated without the need to re-consult on amending the full statement of principles. However, the implications of the profiles for their regulatory approaches should be set out in the statement.**

Some councils have expressed concern about whether they have access to information about local risks, or whether there are any local gambling risks to be addressed at all. It may therefore be helpful to start from simple principles, and expect that for many authorities these profiles will develop over a

period of time. Public health colleagues may have useful data to contribute, in addition to that supplied by the police. Additionally, support organisations such as GamCare may be able to provide information about numbers of people accessing treatment for problem gambling in the area.

As stated, the aim of local area profiles is to build up a picture of the locality, and in particular the elements of it that could be impacted by gambling premises. This profile might therefore include reference⁶ to:

- schools, sixth form colleges, youth centres, etc, with reference to the potential risk of under-age gambling
- hostels or support services for vulnerable people, such as those with addiction issues or who are homeless, given the greater risk of problem gambling among these groups
- religious buildings
- any known information about issues with problem gambling
- the surrounding night time economy, and possible interaction with gambling premises
- patterns of crime or anti-social behaviour in the area, and specifically linked to gambling premises
- the socio-economic makeup of the area
- the density of different types of gambling premises in certain locations
- specific types of gambling premises in the local area (eg, seaside resorts may typically have more arcades or FECs).

Crucially, local councillors know and understand their areas as well as anyone, and are well-placed to contribute to the development of local area profiles. The Gambling Commission also recommend engaging with responsible authorities and other organisations that can help build up a profile of both actual and potential local risks in developing local area profiles. This includes organisations involved in public health, mental

health, housing, education, welfare groups and community safety partnerships, and organisations such as Gamcare or equivalent local support organisations.

One issue to consider is whether there is a need to differentiate different parts of the licensing authority area in drawing up local area profiles, depending on the size and nature of the area.

A smaller authority may take the view that there are no reasons to distinguish one part of the borough from any other. In contrast, larger areas may wish to differentiate the area into segments or zones with different characteristics and risks, enabling them to outline different expectations for applications or operators based in each. For example, a larger licensing authority that has a specific geographic area with a higher density or specific type of gambling premises may wish to differentiate this from the rest of the borough. Similarly, smaller authorities may also find this approach suitable, for example if there is a busier town centre and surrounding rural area with a very different profile.

In February 2016, Westminster and Manchester Councils published the outcome of a piece of research⁷ aimed at better understanding the issue of gambling related harm and local area vulnerability to it. The research considered different risk factors related to gambling, and went on to map these factors in terms of the local area. The maps developed by Westminster showing one particular hotspot area in the borough subsequently helped to support the authority's decision to refuse an application for an additional premises in an area with an existing cluster and high local risk factors.

The LGA (which part funded the research) has helped disseminate the findings and tools from the research to other licensing authorities, who may in future want to use these to develop their local area profiles.

⁶ <https://www.geofutures.com/research-2/gambling-related-harm-how-local-space-shapes-our-understanding-of-risk>

⁷ <https://www.westminster.gov.uk/gambling-research>

Expectations of operators

Local area profiles will help the authority to develop its expectations of existing operators and new applicants in the licensing authority area. The statement of principles is the key tool for setting this out clearly, so that operators are clear what is expected of them.

Risk assessments

As an example, the statement of principles is an **opportunity for a licensing authority to set out its expectations of the local risk assessments that operators must now undertake** in respect of all gambling premises. Where authorities do not set out any expectations, it is more difficult for them to raise objections where they are not satisfied with the assessments that operators subsequently prepare.

Operators are **required** to take into account the licensing authority's statement of principles in developing their risk assessments, so authorities should therefore specifically outline the issues they expect operators to cover within their risk assessments. Operators are not automatically required to share their risk assessments with licensing authorities except when they are applying for a new premises licence or to vary an existing one. However, the Gambling Commission is advising operators to do so. Authorities may use the statement of principles to clarify whether or not and how regularly they expect to receive a copy of each premises' risk assessment, and any expectations around risk assessments being kept on the premises to which they relate, rather than at head office.

Authorities will wish to ensure that the risk assessment covers the following broad headings:

- reference to any specific local risks (linked to the local area profile)
- how the operator proposes to mitigate these risks
- how the operator will monitor specific risks.

The statement should also set out if the licensing authority has any specific

expectations of risk assessments for different types of premises. This will be linked to broader expectations of operators (linked to activity and location), as set out below.

The Gambling Commission's [January 2018 bulletin](#) contains examples of [good practice on setting out expectations for local risk assessments](#).

Applications and variations

The statement should also set out the licensing authority's expectations of new applications and the issues the authority will take into account in considering applications for new licences, permits or variations in different sectors or parts of the borough, depending on the risks associated with each.

This should include the information that the authority would expect to see as part of any such application, for example minimum standards for a plan and layout of the premises. It could also include a list of required information about staffing arrangements in the premises, or the security features that will be put in place.

Depending on the local area profile, authorities may wish to invite information at application stage about premises' intended participation in local business schemes (eg, if there is a BID) or other specific schemes such as Betwatch, if they are in place locally.

Similarly, authorities could invite applicants to outline specifically how individual premises will be implementing the various voluntary codes of practice that different sectors have developed, as well as the measures mandated in the licensing conditions and codes of practice.

The key point is that the statement is an opportunity to clarify your expectations of businesses in relation to new applications, reducing the input and resources required at the time an application is submitted.

Sector/area specific expectations

The statement should be used to set out the licensing authority's expectations of operators of different types of premises, or (if relevant) of premises in different parts of the licensing authority area. If there are particular risks

associated with certain premises due to the facilities offered or their location, it is legitimate for the statement to set out upfront how it expects operators and premises to address this.

Local licensing guidance – South Leeds alcohol premises

South Leeds is an area of deprivation, with increasing numbers of outlets to buy alcohol, but a decline in the number of pubs. NHS Leeds (as was) and the local community officers had increasing concerns about the availability of alcohol in the area, along with an increase in street drinking, and generalized disorder. The publication of the Joint Strategic Needs Assessment highlighted a disparity in the life expectancy of residents in the area in comparison with other areas in Leeds and the national average. Alcohol misuse is known to be a possible contributory factor for a lowered life expectancy.

The council's South Leeds area team formed the multi-agency South Leeds Alcohol Group with the objective of reducing the health harms in the area which were linked with alcohol. The group consisted of the police, health, community safety, treatment services, planning, environmental health and licensing. The group met monthly to look at a number of approaches. The availability of alcohol was seen as key, but there were not enough on-licensed premises to warrant a cumulative impact policy. The group looked at alternative options and looked towards licensing as a solution.

In 2012, changes to statutory guidance on the Licensing Act enabled councils to require operators to have regard for the local area when making their application. The group therefore developed Local Licensing Guidance specifically for postcode areas of LS10 and LS11 (also known as Inner South Leeds), which has a population of approximately 82,000. The guidance has helped premises ensure that they are able to identify and include appropriate control measures in their applications. Of the five applications received since the development of the guidance that didn't include appropriate control measures, the Health and the Licensing Authority

have negotiated with four premises who subsequently agreed to include additional control measures and a further application was withdrawn prior to hearing. The control measures included matters such as the positioning of alcohol within the store and agreement to display health information.

Similar approaches in gambling could include:

- **Under-age sales**
 - If a premises is based near a school or college, the measures might be required to manage a higher risk of attempted under-age sales.
 - If the premises is a FEC or UFEC, expectations for how the premises will manage the risk of children and young people understanding different types of machine and/or seeking to access them.
- **Security issues**
 - Staffing requirements, if the premises is open late, or located in an area with a busy night time economy or record of crime/anti-social behaviour.
 - Whether alcohol is permitted, eg in a premises on a seaside pier.
 - Requirement for CCTV, maglocks, door chimes, alarms, etc if there is a history of security incidents in the premises.
- **Signage**
 - For example, language requirements if there is a diverse local community where English may not be the first language.
 - Clear identification of different types of machine (eg gaming or skill machines) and/or prizes in premises where these may vary.
- **Staff issues**
 - Training requirements on particular issues relevant to the premises or area, eg) on different types of machine in a FEC/UFEC.

Another option is operator/premises participation in local schemes or industry best practice schemes (eg Safebet Alliance) designed to promote best practice and tackle

any issues. In the alcohol licensed trade, schemes such as PubWatch, Best Bar None, etc are common practice. This is far less common in relation to gambling, but may also have a role to play in some areas. Authorities could consider this as a default approach in specific areas, or as a first stage enforcement approach in areas where there are particular issues.

In relation to both existing operators and new applicants, the authority may wish to use the statement to outline a set of model licence conditions that operators could adopt if the local area profiles and risk assessments indicate it is necessary. The Gambling Commission's 'Guidance to licensing authorities' includes a helpful set of sample premises licence conditions arranged by security; anti-social behaviour; underage controls; player protection controls. These are listed in Annex 2.

Enforcement approach

Licensing authorities **are required** to set out in their statement the 'principles that they will apply in exercising their inspection function and instigating criminal proceedings' (that is, their approach to enforcement). As a minimum, the statement should outline the authority's intended approach in relation to:

- information sharing and targeting activity
- inspection activity and visits
- dealing with non-compliance by premises
- tackling illegal gambling.

It should be noted that in setting out its approach to inspection and enforcement, the authority will also be providing an outline of the basis for its fee structure, see page 21.

As in other areas of regulatory services, in developing their enforcement strategy, **authorities should adopt a 'better regulation' approach** that recognises the requirements of the statutory regulator's code⁸ and applies the

principles of proportionality and transparency, particularly in terms of consultation and engagement with regulated businesses.

The Gambling Commission is keen for licensing authorities to foster a partnership approach to local regulation, working jointly with local businesses to tackle issues linked to gambling premises. In previous discussions with the betting shop industry, it has been recognised that, despite the differing opinions held about clustering and machine stakes, a partnership approach is likely to be more effective in resolving issues linked to local betting shops. This could include ward councillors; council licensing teams and community safety teams; police licensing and community officers; betting shop managers and betting shop area managers, as well as town centre managers, representatives of the wider business community and other stakeholders listed above.

The Gambling Commission is currently developing guidance on developing Betwatch schemes.

There are different approaches that local areas can take for partnership working:

Ealing Council set up a Betwatch scheme following concerns raised by local residents and councillors about the proliferation of 13 betting shops in Southall town centre and associated crime and disorder and antisocial behaviour. In a single year, there were 89 allegations of crime where a gambling premises was named as the location of the incident in Southall. The Betwatch group drew up action plans for tackling the issues, as well as test purchase failures in three of the premises, and a 'Ban by one, ban by all' approach was introduced. Following the creation of the Betwatch scheme, crime within gambling premises decreased by more than 50 per cent on 2011 levels, alongside a significant reduction in public order offences and criminal damage incidents. Additionally, further underage test purchases took place in 2012 with no failures reported.

When concerns were raised about anti-social behaviour and crime associated

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

with bookmakers on Deptford High Street, **Lewisham Council** involved bookmakers in the development of two general business initiatives – the Deptford High Street Charter and Lewisham Borough Businesses Against Crime initiative. Alongside this, individual bookmakers made changes in order to address the problems of anti-social behaviour in and around their premises, including installing external CCTV and signs highlighting that the area is under surveillance; making amendments to remove places where street drinkers would often congregate; setting up new CCTV systems within stores which are regularly monitored; introducing banning orders against some problem individuals; and changing management and staff. This work resulted in a reduction of incidents in and around the bookmakers. Following the work, a local BetWatch scheme has been established.

Two councils have primary authority agreements with major bookmakers and gambling trade associations covering the issue of age verification.⁹

As with any other primary authority agreement, licensing authorities should therefore have regard to the plan agreed between the company and primary authority in developing their own programmes of activity and inspection. However, the primary authority relationship provides a useful mechanism to feedback general concerns about a particular operator, as the primary authority will have regular contact at senior levels with the operator: authorities should seek to reflect this in their enforcement approach.

Information sharing

To help target their enforcement activity and resources, authorities could use their statements to request that operators/premises share relevant information with them, for example about test purchasing results (subject to the terms of primary authority agreements) or about incidents in premises, which managers are likely to be required to report to head office. A licensing authority might seek

⁹ The primary authority register is available to search at: <https://primary-authority.beis.gov.uk/par>

information about numbers of self-excluded gamblers to help it develop its understanding about the risk of problem gambling in its area.

This type of information would help the authority to get a clearer picture of which premises may be experiencing issues, meaning that they can structure their inspection and enforcement activity appropriately.

Inspection activity and visits

The statement should set out the activity the authority intends to undertake as part of its standard (that is, pre-planned) inspection activity, and the issues it will be looking at when it does visit. This will ensure that operators know what to expect in terms of the frequency and nature of licensing authority visits.

The Gambling Commission, working with the Leicester, Rutland and Leicestershire Licensing Forum and Leicestershire Local Economic Partnership, has developed a range of templates to help authorities when they visit gambling premises: www.gamblingcommission.gov.uk/for-licensing-authorities/Licensing-authority-toolkit/Premises-assessments/Premises-assessments-templates.aspx The Commission is encouraging authorities to make use of the templates.

The issues that licensing authorities may cover during their visits include:

- details of training policies and training undertaken by staff
- records of refusals to serve /admit on age grounds (subject to the terms of any primary authority agreements)
- records of any relevant incidents in or outside the premises, eg anti-social behaviour
- approach to managing self-exclusion and numbers of people currently self-excluded
- involvement/impact of any work in local schemes or partnership working with other local businesses
- reviewing paperwork relating to the purchase of games from licensed manufacturers

- interviews with staff members
- confirming that appropriate signage is in place.

Dealing with non-compliance/risks to the licensing objectives

The statement should outline the steps the authority will take where there are reports of non-compliance, or there have been serious incidents linked to a premises. Authorities should make clear when and how they would expect to work with operators to try to resolve or address problems, and when an issue is so serious that it would expect to move immediately to initiate some form of enforcement action.

Authorities may wish to specifically cover:

- Dealing with test purchase failures (subject to the terms of any primary authority agreements). For example, the authority might require a premises to undertake certain measures to address this and undergo a follow-up test within a specified amount of time. A second failure would be expected to lead to enforcement action.
- Dealing with complaints from residents or neighbours. For example, an authority might have an established process to implement when it receives complaints about specific premises.
- Dealing with anti-social behaviour issues. For example, if an authority becomes aware that a premises is becoming associated with anti-social behaviour issues, it might in the first instance seek to work with the premises to address these through voluntary measures. If this is not successful in resolving the issues, the authority might then consider introducing conditions on the premises licence, or using other tools as appropriate.

The section on enforcement should set out the tools that licensing authorities will consider using to address issues that may be associated with gambling premises, often linked to alcohol and/or anti-social behaviour. Licensing authorities have the option under the Act to review, vary or impose conditions

on a premises licence, but in practice these might not be the most effective tools to use to tackle problems linked to anti-social behaviour. Instead, tools specifically designed to reduce anti-social behaviour¹⁰, such as dispersal powers, community protection notices or new public space protection orders, may have more of an impact. In very, very rare instances, where a premises is being used or likely to be used to commit nuisance or disorder and working with the operator had failed to address this, a closure notice may also be served.

Tackling illegal gambling

The enforcement approach could also set out the authority's approach to illegal gambling, including how the authority intends to monitor the risk of illegal gambling or respond to any information linked to this risk. More information on illegal gambling is available on page 29.

¹⁰ See Home Office guidance on ASB powers: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/670180/2017-12-13_ASB_Revised_Statutory_Guidance_V2_0.pdf

Licensing fees

Unlike fees for alcohol licences under the 2003 Licensing Act, licensing authorities have some discretion to set premises licence fees for gambling establishments. Councils in England and Wales have devolved powers to set fees for premises licence applications and annual fees up to a prescribed maximum fee set out in the table below. Licensing authorities can delegate responsibility for setting fees to their licensing committee or officers.

As with other licensing fees, licensing authorities should set their fees on the basis of cost recovery, so that the income received from fees is 'as nearly as possible' equal to the cost to the authority of administering the Act. Licensing fees should be reviewed annually to ensure that income from licensing fees does not exceed the costs of administering the Act in any single financial year, and income from licensing fees should effectively be ring-fenced to support councils' gambling work.

Licensing authorities are expected to be transparent about the assumptions that they make in setting fees, and will need to have a clear understanding of the costs they incur in carrying out duties under the Act in order to set fees accurately.

Licensing authorities can set fees in relation to the different types of gambling premises licence, and within each class, may set:

- an application fee
- an annual fee; as the first annual fee is payable 30 days after a licence is issued, councils have discretion to set a lower first annual fee to reflect that checks will recently have been made as part of the application process

- a first/annual fee for a premises licence subject to a seasonal condition
- fees to:
 - notify a change of circumstance
 - apply to vary a licence
 - apply to transfer a licence
 - apply for a copy of a licence
 - apply for reinstatement of a licence
 - apply for a provisional statement.

DCMS has previously provided advice¹¹ on the type of costs that licensing authorities should include within their licensing fees. In relation to applications, any costs associated with the licensing authority of receiving, considering and determining the application may be included, including:

- staff costs
- overheads, IT, legal and other central support costs
- initial inspections
- Licensing Committee costs
- the cost of hearings and appeals.

In relation to annual fees, fees should cover:

- regulatory compliance and enforcement costs for the forthcoming year (eg inspection, holding reviews and enforcement activity); this would include any action in relation to illegal gambling, and could also include the cost of providing councillor training on gambling licensing

¹¹ Available on the LGA Gambling and Betting knowledge-hub <https://www.khub.net/>

- the costs associated with processing the annual fee (eg updating computer systems, register of gambling premises licences and processing fee)
- annualised periodic costs incurred by the licensing authority in respect of its three year licensing policy statements.

Licensing authorities that have set their fees close to or at the maximum levels prescribed by government should be able to demonstrate why their fees are at higher levels than those set by other authorities.

This may be because local costs (eg, salaries) are higher, or because they are undertaking a wider range of activities in relation to gambling premises, which can broadly be assessed from licensing authority returns to the Gambling

Commission. This could include an extensive under-age sales programme, or work to tackle illegal gambling.

Again, as with other licensing fees, we are aware that **operators and their trade associations maintain a close eye on fees, and will not be afraid to challenge licensing authorities they believe are over-inflating fees** and/or not using the income solely for the purpose of overseeing gambling regulation.

The LGA has published general guidance on fee setting¹², which licensing authorities may find helpful in determining licensing fees for gambling premises.

¹² <https://local.gov.uk/open-business-lga-guidance-locally-set-licence-fees>

Table of maximum fees for gambling premises

Type of licensed premises	Maximum fee level					
	Application for premises licence	Annual fee	Application to vary a licence	Application to transfer a licence	Application for reinstatement of a licence	Application for provisional statement
Regional casino	15000	15000	7500	6500	6500	15000
Large casino	10000	10000	5000	2150	2150	10000
Small casino	8000	5000	4000	1800	1800	8000
Converted casino		3000	2000	1350	1350	
Bingo	3500	1000	1750	1200	1200	3500
Adult gaming centre	2000	1000	1000	1200	1200	2000
Betting premises (track)	2500	1000	1250	950	950	2500
Family entertainment	2000	750	1000	950	950	2000
Betting premises (other)	3000	600	1500	1200	1200	3000

Source: The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 SI No 479/2007

Protecting vulnerable people

Protecting children and other vulnerable people from being harmed or exploited by gambling is one of the three licensing objectives. Ensuring that this objective is upheld is one of the core responsibilities licensing authorities must meet.

Children and young people

It is an offence under the Act **to invite, cause or permit** a child (anyone aged under-16) or young person (anyone who is not a child but is aged under-18) to gamble. There are certain exceptions to this; for example participation in a lottery or football pools, or use of a category D gaming machine. It is also an offence **to permit** a child or young person to **enter** a casino, betting premises (other than a racecourse or track) or adult gaming centre. Again, there are exceptions to this, for example children and young people may enter family entertainment centres providing that they cannot access category C machines, and similarly can enter bingo establishments.

Operator responsibilities

The Gambling Commission's codes of practice deal extensively with the issue of access to gambling by children and young people. **The 2015 changes to the LCCP significantly strengthened the responsibilities that are binding on operators in this area.** Specifically, operators and premises are required to:

- Have **policies and procedures designed to prevent underage gambling**, and monitor the effectiveness of them.
- **Ensure that their policies and procedures take account of the structure and layout of their premises.** This is intended to ensure

that issues such as the line of sight between counters and entrances in premises are taken into account. Test purchasing results have indicated that where the line of sight to entrances or gambling facilities is restricted, it is harder to perform successfully. This might particularly be the case in premises with limited staff numbers.

- **Take all reasonable steps to ensure staff understand their responsibilities to prevent** under-age gambling, including the legal prohibitions on children and young people entering gambling premises.
- **Operate a Think 21 policy**, whereby staff check the age of customers who appear to be under 21¹³.

Larger operators and casinos are now required to conduct underage test purchasing or take part in a programme of test purchasing, and provide the results of these exercises to the Gambling Commission. Many of these operators will have a primary authority agreement in place with a council covering age related sales. Smaller operators are advised to monitor the effectiveness of their policies and procedures for preventing underage gambling, but are not specifically required to undertake test purchasing.

Role of licensing authorities

Licensing authorities also have an important role to play in ensuring that operators uphold the licensing objective in relation to children and young people. The Act requires that authorities designate in writing a body to

¹³ This is an ordinary code provision rather than a mandatory social code provision, but in practice it appears to be adopted by all operators. It is also part of the Association of British Bookmakers voluntary code.

advise them on the protection of children from harm, and the principles for choosing this body must be set out in the authority's statement of principles. These principles are likely to include that the body should cover the whole licensing authority area, have sufficient resources, and be accountable to a democratically elected organisation, rather than a particular group. The Gambling Commission's 'Guidance to licensing authorities' states that 'such a body may, but will not necessarily, be the local safeguarding children board'.

It is worth noting that following changes brought in under the Children and Social Work Act 2017, new local multi-agency safeguarding arrangements will replace local safeguarding children boards.

Whoever the licensing authority nominates, the important issue is that it has ongoing engagement with that body in relation to gambling and wider licensing issues, rather than simply nominate them.

Licensing authorities can also use their statements of principles to set out their expectations of operators and individual premises in relation to preventing children and young people as well as other vulnerable people from gambling. This might include specific expectations of premises in the vicinity of schools or sixth form colleges or addiction treatment centres. For example, a council may make specific recommendations relating to line of sight or door chimes in premises where there is a particular risk of children or young people seeking access to gambling.

Thought should also be given to safeguarding outside of premises, for example there could be expectations that unaccompanied children should not be left outside.

Safeguarding tools for operators in Sheffield

Sheffield City Council, like many local authorities, has concerns about the clustering of gambling premises, in particular where these are located in places that might attract children and vulnerable people – near schools, leisure centres or substance misuse treatment

services. As part of the council's licensing project, the Safeguarding Children's Board has developed a number of tools to support partners, including the trade, to understand their safeguarding responsibilities, and signpost to agencies that can offer support where concerns are raised.

Working in partnership with licensees and their staff, the council have produced an advice leaflet and a downloadable risk assessment tool for operators. Engaging with local forums like Licencewatch and neighbourhood community groups meant that the council was able to use existing relationships with the trade to raise the profile of safeguarding in relation to betting shops and encourage operators to undertake a safeguarding risk assessment and know how to report safeguarding concerns. The risk assessment involves operators demonstrating how they have considered the risks in the local context and how they have mitigated these, for example implementing policies around supervision, recording and reporting issues, or discouraging adults leaving children outside premises.

Alongside this, the council is also developing training around safeguarding vulnerable people and the impacts of problem gambling on communities and families, which they hope will supplement existing training betting shop staff already receive around self-exclusion and age verification. As well as supporting the council and other key partners to identify safeguarding issues, the new tools have also been well received by businesses, many of whom have welcomed the opportunity to play a role in the community and make sure that problem gamblers, or those at risk, get the help they need.

Councils should also consider how under age testing programmes can help ensure the licensing objectives are met. Many councils operate their own underage test purchasing through trading standards and/or licensing teams, particularly in response to complaints or intelligence. Larger operators are now responsible for conducting/taking part in under-age testing and sharing these results

with the Gambling Commission. Although these results are not automatically provided to **licensing authorities, licensing authorities may choose to ask for copies of test purchasing results as part of their local risk assessment expectations and use this evidence to help target their own activity in this area** (subject to the terms of any primary authority agreements which have agreed a formal plan in respect of underage sales and testing).

If there is evidence of ongoing failures by premises to prevent under-age gambling, licensing authorities will wish to consider whether it is appropriate to review the relevant licences and potentially include conditions aimed at addressing the issue.

New conditions for operators failing second underage test

A number of independent gambling operators had new conditions attached to their premises licences to strengthen underage gambling controls.

Further to the programme of test purchasing conducted in 2014 by local authorities in partnership with the Gambling Commission, East Lindsey District Council, Brighton and Hove City Council and Hastings Borough Council reviewed premises licences where operators failed to challenge an underage test purchaser for a second time.

Two adult gaming centre operators, a family entertainment centre and a betting shop were subject to premises licence reviews. These operators had submitted improvement plans to their authorities after failing a first test purchase exercise, but the latest re-tests demonstrated that weaknesses in controls had not been remedied.

Examples of the conditions now attached to premises licences include:

- a requirement for the licensee to have a Think 21 or Think 25 policy
- a requirement for regular test purchasing to be undertaken, to ensure the licensee monitors the effectiveness of their controls

- the use of magnetic locks to restrict access to premises
- the use of an infra-red beam system to alert staff to the presence of customers in age-restricted areas
- barriers to reduce the risk of children crossing from family entertainment centre premises into adult gaming centre premises
- re-positioning category D gaming machines away from entrances to adult gaming centre premises, to reduce the attraction of children to those areas
- induction and refresher training for staff.

Operators cooperated with the local authorities during the review processes, and some offered up further measures to strengthen their controls in addition to the formal licence conditions, such as:

- improving staff supervision of customers by moving age-restricted gaming machines to areas in front of manned areas or a staff counter
- assigning a member of staff to have specific duties for supervising the age-restricted area.

In addition to managing the risk of under-age sales, councils could also consider how they can work with premises that may be able to identify children or young people who are truanting or in relation to whom there are safeguarding issues. As societal awareness of child sexual exploitation increases, it may be the case that premises that children and young people legitimately visit have a role to play in understanding and potentially highlighting the risk if they observe any warning signs. Councils and the police are developing training for other types of licensees (eg taxi drivers, takeaway owners) in relation to child sexual exploitation; there may be value in ensuring this type of material is available to staff working in family entertainment centres, for example. Again, the statement of principles can be used to set out any expectations in this area.

Gambling related harm and problem gamblers

The licensing objectives also aim to prevent other vulnerable people from being harmed or exploited by gambling. People who are vulnerable to gambling related harm may risk becoming problem gamblers, where problem gambling is defined as an individual's gambling that disrupts or damages personal, family or recreational pursuits. In a severe form it becomes an addiction which is recognised as a clinical psychiatric diagnosis, 'disordered gambling'.

The 2017 Health Survey for England found that in the previous year 53 per cent of men and 44 per cent of women had gambled, and that problem gambling rates were 1.2 per cent for men and 0.1 per cent for women.

Operator responsibilities

Under the social responsibility code, gambling licensees are required to have and put into effect policies and procedures designed to promote socially responsible gambling that reduces the risk of (or seeks to identify) problem gambling. The requirements on non-remote operators are summarised below:

- **Provision of information on gambling responsibly.** Licensees are required to make information available about how to gamble responsibly and access information/help about problem gambling. This must be displayed prominently throughout premises (eg, posters), next to ATMs and on screens. The information should include:
 - the availability of measures designed to control gambling, eg setting time or monetary limits, timeouts or reality checks
 - options for self-exclusion (see below)
 - options for seeking further help and advice.
- **Fixed odds betting terminals.** Operators providing B2 gaming machines must ensure that they automatically offer users the choice to set time or monetary alerts for both staff and customer. With effect from April 2015, anyone wishing to stake more than £50 on a B2 gaming machine must do so using account based play, or do so via a premises manager. The implications for this requirement are likely to change once the Government's triennial review, which is expected to reduce maximum B2 stakes to between £2-£50, has concluded.
- **Customer interaction.** Licensees are required to have policies and procedures in place governing customer interaction where there are concerns that a customer is displaying signs of problem gambling. These will include the types of behaviour that may trigger an intervention; staff training in this area, and the circumstances when staff may consider refusing services to customers.
- **Layout of premises.** Operators must also ensure that their policies and procedures take account of the structure and layout of the premises. Licensing authorities can also ask for more information when considering premises applications to ensure they are satisfied that there are no impediments to supervision of the premises).
- **Self-exclusion.** Licensees must have procedures for self-exclusion that ensure those individuals who wish to self-exclude from gambling are prevented from participating in gambling. These should include closing customer accounts and

removing individuals from marketing lists. Operators are expected to maintain registers of self-excluded individuals, and apply their procedures either through photo identification or alternative measures. Individuals who self-exclude must also be signpost to counselling and advice.

Since April 2016, self-exclusion schemes have operated on a multi-operator basis, meaning that an individual who self-excludes from one operator should be able to self-exclude from all operators offering the same type of gambling in the same locality. Trade bodies for different sectors of the gambling industry have led on the development of multi-operator self-exclusion arrangements for each sector. Licensing authorities may wish to understand how premises fulfil the requirement to participate in multi-operator schemes as part of their compliance work.

Operators must also ensure that their policies and procedures for customer interaction and self-exclusion take account of the structure and layout of the premises

Alongside the requirements that are binding on gambling operators and premises, **many sections of the industry have developed their own voluntary codes to promote responsible gambling.** However, these codes will only have an impact if they are genuinely implemented by local premises. Licensing committees should question applicants on what practical steps will be put in place under these codes, with particular reference to any local risks or issues that may need addressing. For instance, a premises potentially opening in the vicinity of an addiction treatment centre is likely to need significantly enhanced safeguards around entry and exclusion.

Role of licensing authorities/councils

Licensing authorities will need to consider how they ensure that the objective of protecting children and other vulnerable people from being harmed or exploited by gambling is being met in their area.

In terms of their specific regulatory role for gambling licensing, authorities should think about how the statement of principles, local area profile and local requirements of operators can support the objective. As set out in earlier sections of this document, this can mean taking into account the location of gambling premises in relation to areas that may be deemed to be higher risk in terms of gambling related harm. It will also involve drawing on relevant local data about groups who are vulnerable, such as those with co-morbid addictions, or groups who are known to be more likely to experience issues with problem gambling, for example the homeless.

Developing evidence relating to specific risks and/or areas as part of their work on the statement of principles will help to inform the measures that operators are expected to take to address such risks, if they are above and beyond the mandatory conditions that operators must already adhere to. It can sometimes be challenging to identify this evidence, given that problem gambling is a hidden addiction in comparison to much more visible problems such as alcoholism or drug addiction. However, there is scope for councils to consider a range of data (for example, from public health teams or the Citizens Advice Bureau). Additionally, more evidence is likely to become available following the wider adoption of the methodology underpinning Westminster and Manchester's research into area vulnerability to gambling related harm.

To ensure that their efforts in regard to protecting people from harm are being targeted effectively, licensing authorities should also think about how they can work with local operators to ensure that operators are effectively implementing their responsibilities in this area.

Alongside their licensing role, councils can also think about other ways in which they may be able to support local residents who are experiencing or at risk of gambling related harm. The LGA is clear that problem gambling is not a public health responsibility, in the sense of being one of the issues councils assumed responsibility for treating the public

health function transferred back to local government. However, it is an issue that can impact individual residents, their families or carers and wider communities, and there is scope for councils to provide assistance without assuming responsibility for treatment options.

For example, councils will already be coming into contact with problem gamblers in a variety of contexts – through their work on financial inclusion, housing issues, homelessness, family breakdown and other addiction services. This will not always be apparent in the discussions councils have with individuals in these services. Councils can therefore think about how they can ensure that frontline staff are aware of the issue of problem gambling, can begin to screen for it and know where to signpost people experiencing gambling problems.

Leeds's problem gambling research project

In March 2017, Leeds City Council published the findings of a research project into problem gambling. The research was commissioned by the council's financial inclusion team and involved a review of national and local data and evidence on problem gambling, detailed discussions with gamblers and operators in Leeds and assessing the support services available to problem gamblers in the city.

The project concluded that the gambling market and gambling patterns in Leeds reflect those in other large metropolitan areas. Notably, it concluded that gambling behaviour and problem gambling are not equally distributed across England, with problem gambling rates higher for those living in more northern areas (or London), major urban areas, urban areas which are more densely populated, English metropolitan boroughs, London boroughs, and wards classified as industrial, traditional manufacturing, prosperous and multi-cultural.

The researchers estimated that problem gambling rates in Leeds, at 1.8 per cent, are broadly twice the national average of 0.9 per cent. Rates of at risk gambling appeared to be consistent, at 5-6 per cent. This equates to around 10,000 people in Leeds who are problem gamblers, with a further 30,000 at risk,

roughly the same number of people with drug addictions in the city.

The research revealed that provision of support for problem gamblers was underdeveloped and fragmented. Awareness about problem gambling amongst existing organisations for example those providing support for people with addictions and debt issues was low and gambling addiction was not screened for. Leeds identified various different areas of provision that could link up better, including wider work around debt and the health and wellbeing agenda.

In response to the research the council has been working hard to raise awareness around problem gambling through a publicity campaign targeted at the general public and encouraging self-referrals, as well as training for frontline staff to help them identify people who have potential problem gambling issues, and where to signpost them for support.

The LGA is developing new guidance for councils on problem gambling, drawing on this research.

Support for problem gamblers

GambleAware, formerly known as the Responsible Gambling Trust is an independent charity committed to minimising gambling-related harm through the provision of education, prevention and treatment services, as well as research to broaden understanding of gambling related harm. Funded by donations from the gambling industry, GambleAware supports GamCare (as the main national treatment provider) and gives grants to several other treatment providers including Gordon Moody Association and the National Problem Gambling Clinic in London.

The LGA and others have called for the Government to replace the current system of voluntary donations with a mandatory levy.

Illegal gambling

Licensing authorities are entitled to use income from licensing fees to tackle instances of illegal gambling in their areas. Illegal gambling occurs where gambling takes place without the necessary licences or permits in place, or in a premises that isn't entitled to host a particular type of gambling. The typical types of illegal gambling that licensing authorities are likely to encounter locally are illegal poker clubs and illegally supplied or illegally sited gaming machines.

Poker

Poker can be played legally in casinos, and can also be played in non-domestic/residential venues in certain specified circumstances, where:

- In the case of alcohol licensed premises, no participation fees are levied and stakes and prizes do not exceed those set in statutory regulations.
- In the case of clubs, participation fees, stakes and prizes do not exceed those set in statutory regulations.
- In the case of members' clubs with club gaming permits, participation fees do not exceed those set in statutory regulations; monies are not deducted from stakes or prizes; and clubs are not run wholly or mainly for the purpose of gaming. The Commission advises councils to scrutinise applications for club gaming permits carefully, warning that experience has shown that clubs will go to 'great lengths to disguise the true nature of their activities'.
- Poker takes place on a non-commercial basis that is not for private profit or gain, for example a poker night held to raise money for charity.

As a broad guide, where poker taking place outside of a casino involves a 'rake' (ie a commission fee taken by the person operating the game which exceeds statutory fees), it is possible that the game may be operating illegally.

The Gambling Commission's 'Guidance to licensing authorities' on illegal gambling urges councils not to discount taking action in relation to illegal poker clubs on the basis that they have not received complaints against them. The Commission states that: '[councils are] very unlikely to receive complaints about such clubs, unless it is issues such as local noise and nuisance [as] the people attending the club do so from choice. [However] the club is effectively operating as an illegal casino and none of the protections afforded in a casino are in place, such as personal licence holders and anti-money laundering safeguards'. As in other areas of regulatory services, it may be the case that wilful non-compliance in relation to gambling controls is evidence of a wider disregard for the law and in some cases serious criminal behaviour.

Reigate Social Club and its withdrawal of a club premises certificate and cancellation of a club gaming permit after an investigation into alleged illegal poker

A joint visit was undertaken to a club where illegal poker was allegedly taking place, involving the police, the local authority and the Gambling Commission. The visit identified customers who were not members, poker only being played on the premises and rakes being taken by the house.

The local authority decided to revoke the club premises certificate, which also allowed the club gaming permit to be revoked and the premises were closed.

The first action was therefore to cancel the club-gaming permit. The second action was to withdraw the club premises certificate under section 90 of the Licensing Act 2003. Although there is a right of appeal under s181 and schedule 5 part 2 paragraphs 14 and 15 of the Licensing Act 2003, there is no provision for the certificate to be effectively re-instated pending the appeal. The decision therefore takes effect once the notice is given to the club.

The consequence of that is that paragraph 17(2)(c) of schedule 12 to the Gambling Act comes into effect and this provides that because the club gaming permit was granted under paragraph 10 (i.e. the fast track procedure), it “shall lapse if the club premises certificate on which the application relied ceases to have effect.”

Two months later those involved in the previous club tried to apply for new permission under a new name to reopen the club but the local authority refused the application on the basis of their previous behaviour.

Gaming machines

There are controls relating to both the supply and provision of gaming machines:

- manufacturers and suppliers of gaming machines must be licensed by the Gambling Commission
- a premises wishing to site a gaming machine typically requires a licence or permit, either:
 - an operator licence from the Commission and a premises licence from the licensing authority
 - an alcohol premises licence from the licensing authority
 - a gaming machine permit from the licensing authority.

Gaming machines may be illegally manufactured or supplied in order to avoid tax (machine games duty) and licence fees, and may not have the technical standards required by the Gambling Commission. The Gambling

Commission advises operators and other venues entitled to provide gaming machines to ensure that they only obtain machines from Commission-licensed manufacturers: this might be something that licensing authorities wish to confirm as part of their compliance work in this area.

While the Gambling Commission is responsible for compliance issues relating to the manufacture and supply of machines, licensing authorities are responsible for compliance and enforcement where gaming machines are illegally sited, ie the required licences or permits authorising the machines (or number of them) are not in place. Typically, this issue has tended to occur in relation to pubs, clubs, social clubs and takeaways.

Illegal machines operation in the London Borough of Enfield

In June 2016 Enfield’s Licensing Enforcement Team coordinated and led a multiagency, intelligence-led operation designed to address the concerns of residents, businesses and the police about the unlawful activities of a minority of businesses engaging in various types of environmental crime and criminal behaviour. Operation Bandit involved local police, Her Majesty’s Revenue and Customs (HMRC) officers and Enfield Council enforcement officers and involved two separate enforcement operations one in June and one in December 2016.

The operation was very successful, as a result:

- Fifteen premises were visited and 29 illegal gaming machines were discovered operating within these businesses. All illegal machines were seized by the police and total of £248 was recovered from these machines.
- All premises received a warning, with one premises undergoing a review of its licence, which was subsequently revoked. Costs of the operation were paid by a premises.
- HMRC will be applying fines to the premises owners for non-payment of duty.

Intelligence and compliance action

Licensing authorities can work with the Gambling Commission in relation to illegal gambling, to draw on their experience and share intelligence. The Commission operates 'local authority compliance events' through which it will alert licensing authorities to intelligence it has received about allegations or evidence of illegal gambling affecting their areas. The Commission and licensing authorities might also receive or uncover evidence or concerns about illegal gambling on, for example, online poker forums, from the police, and from the gambling industry.

The Gambling Commission have developed a range of template letters for dealing with the types of illegal gambling that licensing authorities might experience, which can be accessed on their website.

Lewisham – illegal gaming machines in takeaways

In January 2012, the Commission received information suggesting there may be gaming machines in a number of takeaways in the Lewisham area, without the required licence and/or permit. The Commission forwarded the information to the London Borough of Lewisham under the local authority compliance event (LACE) process. On receipt of the intelligence, the LA took the following action:

- The six venues mentioned were visited. Each was found to have an unauthorised gaming machine.
- Suitable advice was given and all the machines were deactivated on the understanding they will be removed.
- Each was written to and given a formal warning that further offences will result in legal proceedings.
- The six venues were revisited by the enforcement team within fourteen days to ensure compliance.

This is a reoccurring problem. All takeaways in Lewisham are visited on a regular basis,

and every owner has previously been verbally advised concerning the legal position. Initially all unauthorised machines were removed. In the event of further offences of this nature the licensing manager has agreed that the offender will be prosecuted and the matter extensively publicised at a local level.

Sector specific issues

Casinos

Unlike other types of gambling premises, the number of casinos is strictly limited and if a licensing authority does not already have an existing casino or is not a permitted area eligible to launch a competition for a casino licence, it is not currently possible to issue a casino licence for that area.

When the Act was introduced in 2005, 186 casino premises licences issued under previous legislation 'were converted' to the new regime. Converted licences can only be used in the licensing authority area in which it was granted, or its successor authority, but there is scope for these premises to relocate. There are fifty three licensing authority areas that were designated in 1969 as 'permitted areas' entitled to have a casino.¹⁴

Additionally, fifteen English and Welsh licensing authority areas¹⁵ are permitted to issue a casino premises licence under the Act. These areas were selected following open competition; casinos authorised under this route can only be built at the location specified in the application. The Act specifies two

different types of casino licence; for a large or small casino.

As part of its statement of principles, licensing authorities are entitled to pass a 'no casino resolution' or to state that it would welcome a casino if the opportunity to bid for a premises licence were to become available. As outlined above, a 'no casino' resolution must be agreed by the council, rather than delegated to the licensing committee. The Gambling Commission advises that as the overall number and locations of casinos may be varied at some point in the future, it is still appropriate for licensing authorities to consider and determine their approach to casinos. However, when considering any additional work beyond this determination, councils should recognise that the likelihood and timescale of any change to existing numbers and permitted areas is unclear.

Alcohol licensed premises

The Act allows alcohol licensed premises to offer certain types of gambling activity, within certain parameters. In particular, gambling must remain ancillary to the main purpose of the premises, and the exemptions and entitlements are reliant on the premises holding a valid alcohol licence. Licensing authorities should be alert to the possibility of someone seeking an alcohol licence solely for the benefit of the gambling entitlements. . The following policy objectives summarise the key elements that underpin the approach to controlling where gaming machines may be played:

- with very few low risk exceptions, non-remote gambling should be confined to dedicated gambling premises

¹⁴ Permitted areas under the 1968 Act: Birkenhead, Birmingham, Blackpool, Bolton, Bournemouth, Bradford, Brighton, Bristol, Cardiff, Coventry, Derby, Dudley, Great Yarmouth, Hove, Huddersfield, Kingston upon Hull, Leeds, Leicester, Liverpool, London, Luton, Lytham St Annes, Manchester, Margate, Newcastle upon Tyne, Northampton, Nottingham, Plymouth, Portsmouth, Ramsgate, Reading, Ryde, Salford, Sandown/Shanklin, Scarborough, Sheffield, Southampton, Southend-on-Sea, Southport, Stockport, Stoke-on-Trent, Sunderland, Swansea, Teesside/ Middlesbrough, Torbay, Walsall, Warley, West Bromwich and Wolverhampton.

¹⁵ Permitted areas under the 2005 Act: Great Yarmouth, Hull, Leeds, Middlesbrough, Milton Keynes, Newham, Solihull, Southampton (large casinos); Bath and North East Somerset, East Lindsey, Luton, Scarborough, Swansea, Torbay, Wolverhampton (small casinos).

- the distinctions between different types of licensed gambling premises are maintained
- gambling activities are supervised appropriately
- within casino, bingo and betting premises, gaming machines are only made available in combination with the named non-remote activity of the operating licence.

Alcohol licence holders are automatically entitled to make available two gaming machines (category C or D) for use in alcohol licensed premises. To do so, the person holding the licence must notify the licensing authority of their intention to make gaming machines available for use, and pay the prescribed fee. If the person ceases to be the holder of the relevant licence for the premises, the entitlement ceases, and the new holder would subsequently need to apply.

Licensing authorities can make an order that removes the automatic entitlement to two gaming machines under certain circumstances. However, they may also replace the entitlement to two gaming machines by issuing licensed premises gaming machine permits for any number of C or D gaming machines in licence premises.

Where licensing authorities have concerns regarding pubs and the number of machine permits they seek to obtain, their licensing statement of principles can be used to make clear their expectations of alcohol licensed premises and their adherence to the:

- **Code of Practice for gaming machines in alcohol licensed premises**
- **Code of Practice for equal chance gaming in alcohol licensed premises.**

One recent issue in alcohol licensed premises relates to the possibility of bingo in pubs. The Greene King pub chain applied to the Gambling Commission for a bingo operating licence, but was refused a licence. Greene King appealed the refusal but the Upper Tier Tribunal ruled in early 2016 that the Gambling Commission had acted within its powers when it refused to grant Greene King a bingo operating licence to provide commercial bingo in its pubs.

Although this case appears now appears to be resolved, licensing authorities are advised to notify the Gambling Commission if any existing bingo operator licence holder or pub company seek to operate commercial bingo in a pub, or in the event of any other licence applications outside of usual practice.

Family entertainment centres and unlicensed family entertainment centres

Family entertainment centres are premises (other than an adult gaming centre) wholly or mainly used for making gaming machines available for use. These can be either licensed or unlicensed.

An unlicensed family entertainment centre is subject to limited regulation under a uFEC permit, but is only entitled to make Category D machines available (see Annex 1 for an overview of machines, stakes and prizes). The entity making machines available on the premises (the arcade operator) does not need a Commission operating licence. However the entity supplying machines to the business (the machine supplier) must be licensed by the Commission.

A licensed family entertainment centre is entitled to make both Category C and D machines available. It is subject to similar controls to many other gambling businesses – the premises need a full premises licence from the licensing authority and the entity making machines available on the premises requires a Commission operating licence, as does the supplier of the machines.

Only premises that are wholly or mainly used for making gaming machines available may hold an uFEC gaming machine permit or an FEC premises licence. Both a licensed FEC and an uFEC are classified as ‘premises’. Therefore, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar: typically, the machines should be in a designated, enclosed area. The Gambling Commission has issued guidance to licensing authorities outlining its view that it is ‘highly undesirable for FEC/uFECs to be granted for entire venues.’ These uFEC permits have to be renewed every 10 years, with a

rolling programme of renewal starting from 2017, which provides an ideal opportunity for licensing authorities to ensure that the premises is still eligible for such a permit.

Licensing authorities must be aware of the distinction between machines that are defined as 'skill with prize' (SWP) machines and gaming machines. SWP machines must not have any mechanism that determines the outcome of the game: the game must operate in a consistent manner, and must be genuinely achievable, providing time and opportunity to win using skill, and not be influenced by chance. A game that contains an element of chance is a gaming machine.

SWPs are not caught as gaming machines and therefore do not count towards the B3 machine allowance in a family entertainment centre, or an alcohol licensed premises, members club, adult gaming centres or bingo premises. They may however be liable for Machine Games Duty and operators should confirm with Her Majesty's Revenue and Customs (HMRC) if they need to be registered.

Some operators have deployed machines as ostensibly SWPs, when in fact they contain elements of chance or other features which would make them properly gaming machines; or indeed contain a function that allows them to be switched between a "skill" game and a gaming machine. In such cases, these machines should be treated as gaming machines.

Checklist for councillors in England and Wales

This list is intended to help you focus on the key issues your authority should consider in developing its approach to local gambling regulation.

- Has the authority mapped local gambling provision/premises in the local area?
- Is the authority aware of any specific gambling related risks in the local area? How might these be mitigated?
- Has your authority used this to develop a local area profile to support your licensing statement of principles?
- Has the authority set out an approach to preventing gambling by children and young people?
- What is the authority's approach to tackling illegal gambling?
- Has the authority engaged with local public health, addiction and treatment charities, CAB, homeless charities etc about problem gambling in the locality?
- Has the authority engaged with local operators and premises in developing its approach?
- Has the authority clearly set out its expectations of operator local risk assessments?
- Has the authority clearly set out its expectations of operators in relation to children and young people, including in those sectors where children and young people might legitimately frequent premises?
- Has the authority developed and shared with operators its approach to compliance and enforcement?
- Has your authority undertaken any underage sales or broader compliance activity over the past year?
- How might partnership working local operators support the authority's approach to local gambling regulation?
- How might tools and powers outside the Gambling Act support the authority's approach to gambling regulation?
- Can the authority demonstrate how it has reached the fee levels it has set?
- Has the authority ensured that licensing and planning policies share a common approach to new premises for gambling?

Glossary/definitions

Term	Description
2003 Act	The Licensing Act 2003, covering alcohol, late night refreshment and regulated entertainment.
The Act	The Gambling Act 2005.
Betting	Betting is defined as making or accepting a bet on the outcome of a race, competition or other event or process or on the outcome of anything occurring or not occurring or on whether anything is or is not true. It is irrelevant if the event has already happened or not and likewise whether one person knows the outcome or not. (Spread betting is not included within this definition).
Bingo	There are essentially two types of bingo: cash bingo, where the stakes paid make up the cash prizes that can be won and prize bingo, where various forms of prizes can be won, not directly related to the stakes paid.
Book	Running a 'book' is the act of quoting odds and accepting bets on an event, hence the term 'Bookmaker'.
Casino games	A game of chance, which is not equal chance gaming. Casino games includes Roulette and black jack, etc.
Child	For the purposes of the Gambling Act 2005, anyone under the age of 16
Coin pusher or penny falls machine	A machine of the kind which is neither a money prize machine nor a non-money prize machine.
Crane grab machine	A non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a device forming part of the machine so as to separate, and keep separate, one or more physical objects from a group of such objects.
Default condition	These are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the licensing authority.
Equal chance gaming	Gaming which does not involve playing or staking against a bank.
Fixed odds betting	If a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming' see below), then it is likely to be betting at fixed odds.
Fixed odds betting terminals (FOBTs)	FOBTs are a type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

Term	Description
Gaming	Gaming can be defined as ‘the playing of a game of chance for winnings in money or monies worth, whether any person playing the game is at risk of losing any money or monies worth or not’.
Gaming machine	Any type of machine allowing any sort of gambling activity including betting on virtual events but not including home computers even though users can access online gaming websites.
Licensing authority	A district, borough or unitary authority responsible for licensing gambling and other activities.
Licensing objectives	The licensing objectives are three principal goals which form the basis of the Gambling Act. Stakeholders who have an interest in the Act need to try and promote these objectives: The licensing objectives are: <ul style="list-style-type: none"> • preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime • ensuring that gambling is conducted in a fair and open way • protecting children and other vulnerable persons from being harmed or exploited by gambling.
Lottery	A lottery generally refers to schemes under which prizes are distributed by chance among entrants who have given some form of value for their chance to take part. A lottery is defined as either a simple lottery or a complex lottery.
Mandatory condition	A condition which will be set by the Secretary of State (some are set out in the Act and some will be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The licensing authority will have no discretion to alter or remove these conditions.
Money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a money prize.
Non-money prize machine	A machine in respect of which every prize which can be won as a result of using the machine is a non-money prize. The winner of the prize is determined by: <p>(i) the position in which the coin or token comes to rest after it has been inserted into the machine, together with the position of other coins or tokens which have previously been inserted into the machine to pay a charge for use, or</p> <p>(ii) if the insertion of a single coin to pay the charge for use enables the person using the machine to release one or more tokens within the machine, the position in which such tokens come to rest after being released, together with the position of other tokens which have previously been so released.</p>
Non-remote gambling	Gambling that takes place in a physical premises
Remote gambling	Gambling which people participate in via remote communications, eg telephone, internet etc
Young person	For the purposes of the Gambling Act 2005, anyone who is not a child but is aged under 18.

Annex 1 Gaming machines – allowances, stakes and prizes (as at February 2018)

Category of machine	Maximum stake	Maximum prize
A	Unlimited	Unlimited
B1	£5	£10,000
B2*	£100	£500
B3	£2	£500
B3A	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – money prize	10p	£5
D – combined money and non money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

*This handbook was updated prior to the conclusion of the Government's review of gaming machines and social responsibility measures, the consultation for which closed in January 2018. The consultation indicated that Government was expected to leave maximum stakes and prizes unchanged, with the exception of B2 stakes, which were expected to be reduced to £50 or below.¹⁶

¹⁶ The category B2 is not actually a traditional slot machine. It refers to a type of gaming machine known as a fixed odds betting terminal (FOBTs). These are a new type of gaming machine which generally appear in licensed bookmakers. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular. Current stakes are listed on the Gambling Commission's website: www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and-machines/Gaming-machine-categories/Gaming-machine-categories.aspx

Machine category							
Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act Casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks operated by pool betting		Maximum of 4 machines categories B2 to D					
Bingo Premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit C or D machines		
Adult gaming centre			Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4	No limit C or D machines			
Family entertainment centre (with premises licence)					No limit C or D machines		
Family entertainment centre (with Permit)						No limit on category D machines	
Clubs or miners' welfare institutes with permits				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol licensed premises					1 or 2 machines of category C or D automatic upon notification		
Qualifying alcohol licensed premises with gaming machine permit					Number of category C-D machines as specified on permit		
Travelling fair						No limit on category D machines	
	A	B1	B2	B3	B4	C	D

Annex 2 Sample of premises licence conditions

www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Guidance-to-licensing-authorities.aspx

This section provides examples of conditions that have been attached to premises licences by licensing authorities, with some amended for illustrative purposes. Licensing authorities should note that these are not blanket conditions but have been imposed in a number of circumstances to address evidence based concerns. Part 9 of this Guidance to Licensing Authorities (GLA) provides further details on the principles licensing authorities should apply when exercising their discretion to impose premises licence conditions.

The conditions listed below have been grouped under specific headings for ease of reference. There will inevitably be some overlap between those conditions that address different concerns, for example those related to security and to anti-social behaviour.

1. Security

- 1.1 No pre-planned single staffing after 8.00pm and, when this is unavoidable, for a Maglock to be in constant use.
- 1.2 A minimum of two members of staff after 10.00pm.
- 1.3 A minimum of two members of staff will be on duty throughout the whole day.
- 1.4 The premises will have an intruder alarm and panic button.
- 1.5 Maglock systems are employed and access is controlled.
- 1.6 Requirements for full-height security screens to be installed.
- 1.7 A requirement for 50 per cent of the shop frontage to be clear of advertising so that staff have a clear view and can monitor the exterior of the premises.
- 1.8 The premise shall maintain a 'safe haven' to the rear of the counter.
- 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of police or an authorised officer throughout the preceding 31-day period.
- 1.10 A member of staff from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This member of staff must be able to show a member of the police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 1.11 A monitor shall be placed inside the premises above the front door showing CCTV images of customers entering the premises.

1.12 If at any time (whether before or after the opening of the premises), the police or licensing authority supply to the premises names and/or photographs of individuals which it wishes to be banned from the premises, the licensee shall use all reasonable endeavours to implement the ban through staff training.

2. Anti-social behaviour

- 2.1 The Licensee shall develop and agree a protocol with the police as to incident reporting, including the type and level of incident and mode of communication, so as to enable the police to monitor any issues arising at or in relation to the premises.
- 2.2 The Licensee shall take all reasonable steps to prevent street drinking of alcohol directly outside the premises and to ban from the premises those who do so.
- 2.3 The Licensee shall place a notice visible from the exterior of the premises stating that drinking alcohol outside the premises is forbidden and that those who do so will be banned from the premises.
- 2.4 Notices indicating that CCTV is in use at the premises shall be placed at or near the entrance to the premises and within the premises.
- 2.5 The Licensee shall place and maintain a sign at the entrance which states that 'only drinks purchased on the premises may be consumed on the premises'.
- 2.6 The Licensee shall implement a policy of banning any customers who engage in crime or disorder within or outside the premises.
- 2.7 The Licensee shall install and maintain an ultraviolet lighting system in the customer toilet.
- 2.8 The Licensee shall install and maintain a magnetic door locking system for the customer toilet operated by staff from behind the counter.

2.9 Prior to opening the Licensee shall meet with the Crime Prevention Officer in order to discuss any additional measures to reduce crime and disorder.

3. Underage controls

- 3.1 The Licensee shall maintain a bound and paginated 'Think 21 Refusals' register at the premises. The register shall be produced to the police or licensing authority forthwith on request.
- 3.2 Customers under 21 will have to provide ID.
- 3.3 The premises will operate a 'challenge 25' policy and prominent signage and notices will be displayed showing the operation of such policy.
- 3.4 Compulsory third party test purchasing on a twice yearly external system and the results to be reported to the Local Authority and police. In the first twelve months (from the date of the Review) two additional internal test purchase operations to be carried out.¹⁷
- 3.5 A physical barrier (ie a supermarket metal type or similar) acceptable to the licensing authority, and operated in conjunction with the existing monitored alert system, to be put in place within three months from the date of the review.
- 3.6 No machines in the Unlicensed Family Entertainment Centre to be sited within one metre of the Adult Gaming Centre entrance.

4. Player protection controls

- 4.1 Prominent GamCare documentation will be displayed at the premises.

¹⁷ In some cases it will be more practical to request test purchasing to be carried out on a minimum number of occasions (eg at least twice a year) rather than during a specific timeframe (eg once every six months). For example, it would not be practical to impose a condition on premises within a holiday park that requires test purchasing to be carried out 'once every six months' as the park may not be open for business during the winter months.

- 4.2 There shall be no cash point or ATM facilities on the premises.
- 4.3 The Licensee shall train staff on specific issues related to the local area and shall conduct periodic refresher training. Participation in the training shall be formally recorded and the records produced to the police or licensing authority upon request.
- 4.4 New and seasonal staff must attend induction training. All existing staff must attend refresher training every six months.
- 4.5 All notices regarding gambling advice or support information within the vicinity of Chinatown must be translated into both simplified and traditional Chinese.
- 4.6 Infra Red Beam to be positioned across the entrance to the premises. To be utilised whenever:
 - (a) the first member of staff is not positioned within the Cash Box, or
 - (b) the second member of staff is not on patrol.



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Why choose GamCare?

GamCare is the UK's leading provider of information, advice, support and treatment for anyone affected by problem gambling. Our expert services are confidential and non-judgemental.

Our core support and treatment services are currently funded through grant agreements with GambleAware. We also work to minimise gambling related harm through awareness, education and outreach for groups who are identified as at-risk of gambling-related harm.

We also work with the gambling industry to provide training and Certification, aiming to ensure that operators who provide products in the UK understand more about problem gambling, social responsibility and appropriate customer interaction to minimise gambling related harm. We work to ensure players are protected and that employees know more about problem gambling so that they can support their customers.

Our education and awareness initiatives include work with young people and the frontline professionals supporting them, as well as police, prisons and probation services across the UK.

There is a gap between the number of people affected by problem gambling and those accessing support. GamCare currently supports around 1 in 10 problem gamblers through our HelpLine and treatment services. One of the challenges we face is that problem gambling support services, whilst funded, do not usually have a high profile in local areas.

Problem gambling can present a challenge to local authorities as it links to a range of services, such as licencing, community safety, children and families and housing/homelessness.

GamCare are uniquely positioned to support local authorities to develop an integrated strategy to address problem gambling, from promoting safer play through to targeting those with increasing risk and ensuring problem gamblers, and those affected by problem gambling, have access to effective support and treatment.

GamCare is able to work across local authorities to provide an holistic response to problem gambling in each local area. We have developed knowledge and expertise relevant to a range of stakeholders working in frontline roles across your area and have developed training for teachers, GP's, police and probation workers, youth workers and many more.

GamCare offers a pick and mix package of paid-for training, consultancy, auditing and engagement services, all underpinned by an expert advice and treatment service which is available completely free of charge across the country.

We are expert in problem gambling and understand its manifestation in context. We have developed a wide range of training programmes which provide:

- Awareness raising to highlight the issue of problem gambling, its nature and incidence, as well as impacts, and where to get support;
- Identification and Brief Advice for frontline staff who may come across problem gamblers (or 'affected others') in their everyday work;
- In-depth, pro-active behaviour change training aimed at those working with those affected in supportive capacities.

Impacts of Problem Gambling in Local Areas

It is estimated that problem gambling affects around 400,000 people in the UK, with around 2 million at risk of harm. It's also estimated that for every problem gambler, up to seven others are impacted. Problem gambling is a cross-cutting social issue with a wide range of impacts for individuals, families and communities.

Problem gambling disproportionately affects certain groups. Young people, those in the criminal justice system and homeless people are at increased risk. In 2016, the Institute for Public Policy Research estimated that the social cost of gambling to the UK economy could be up to £1.2bn¹. The range of gambling impacts cuts right across your borough; GamCare has services to address every one.



1. Community Safety

Domestic violence, criminal activity and crime committed at gambling premises.



2. Licensing

Licensing issues and enforcement costs linked to problem gambling & social responsibly failures.



3. Public Health

Alcohol and substance misuse, poor mental and physical health.



4. Housing

Debt from problem gambling, rent arrears, homelessness.



5. Children's Services

Family breakdown, impact on education, safeguarding concerns, domestic violence.



6. Adult Social Services

Unemployment, isolation, suicidal ideation, domestic violence.

GamCare's Local Authority Offer

Certification
Challenging operators to provide best in class social responsibility

Training
For frontline teams working with vulnerable / at risk groups

Data Insight
Helping Local Authorities understand the impact in their areas

Information & Advice
Free support via the National Gambling HelpLine

Outreach & Engagement
Targeted at priority groups across your communities

Free Treatment
Face to face and online interventions across Great Britain

GamCare Certification - Audit and Consultancy

We work with gambling operators to review their policies and procedures, audit their training and support them to embed a culture of social responsibility from the board room to the customer service team.

Our Certification reviews a range of social responsibility measures to help to promote safer gambling and to minimise gambling-related harm.

We can support your Licensing and Safer Communities teams, alongside their own programme of audit and inspections, to ensure that:

- Gambling industry staff are trained in the identification and signposting of individuals towards problem gambling support services;
- Staff understand the value of high quality personalised interactions, made in the right ways at the right times;
- Operators have embedded a culture of responsible gambling and prioritise the minimisation of risks and gambling-related harm.

Local authorities are encouraged to ensure the principles of GamCare Certification, promoting best practice around social responsibility for UK operators, are embedded in licensing Statement(s) of Principles.



“The Certification process certainly assisted us in understanding our role, as operators and product suppliers, regarding (the prevention of) problem gambling. Knowing our role is key to understanding our responsibilities.”

GamCare Awareness Training

Problem Gambling Awareness



3 hours



15 max.



At a location to suit you



Contact us for a quote

Provides an understanding of problem gambling and gambling-related harm, including signs, symptoms and the impacts of problem gambling on an individual's life and those around them.

- Start to understand the psychology of gambling, why people gamble and what happens to the brain when we gamble.
- Understand the difference between gambling and problem gambling, indicators and how to signpost to appropriate services.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, and who wish to gain a better understanding of the issue.



Identification and Brief Advice



3 hours (CPD)



15 max.



At a location to suit you



Contact us for a quote

Provides an understanding of gambling-related harm, with a focus on key risk factors and how to identify the problem, how to use a brief gambling screen and a range of current referral sources.

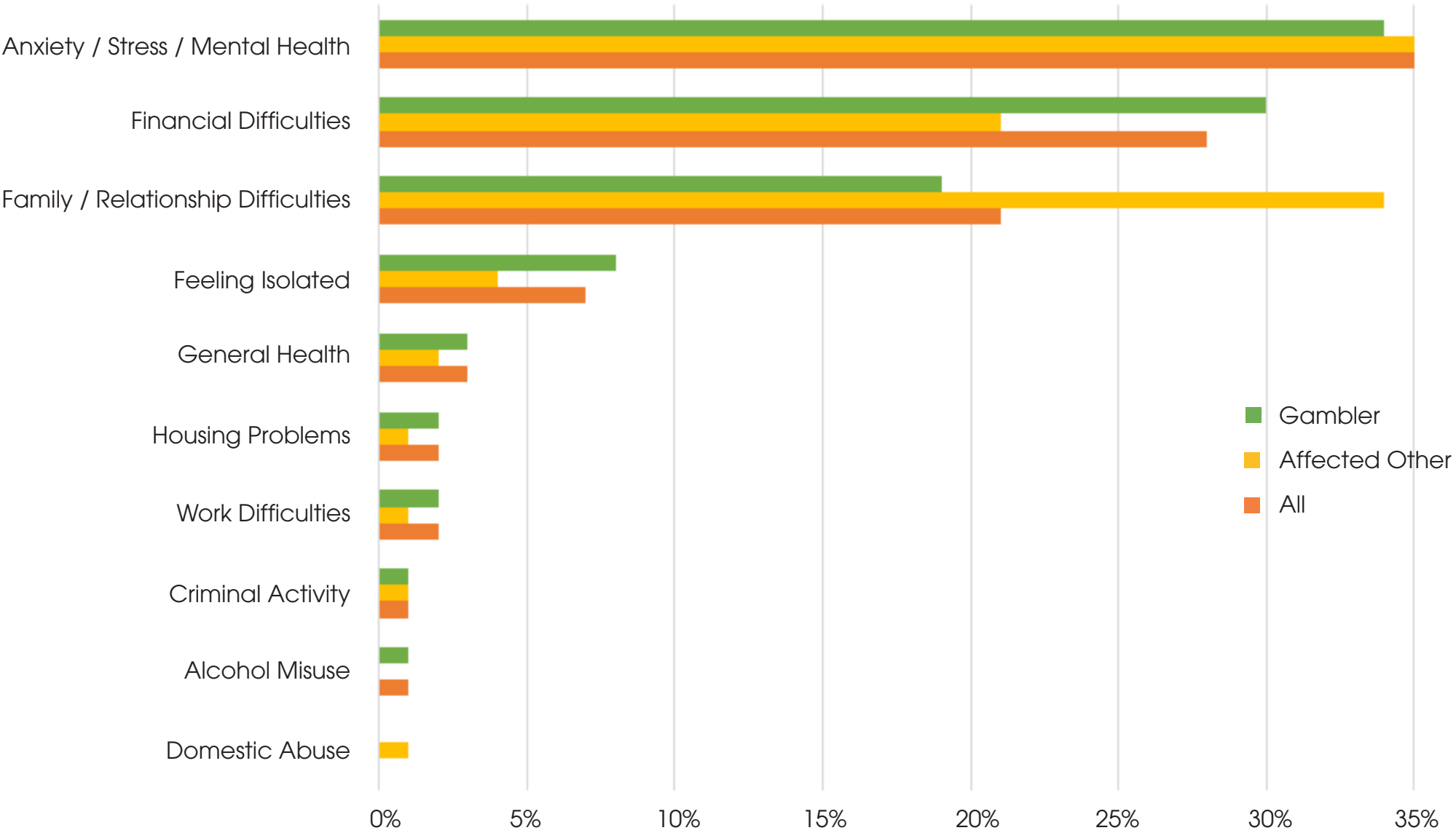
- Understand problem gambling, how to screen for it and structure a brief conversation to elicit further detail.
- Attain knowledge of the support and advice available, including player protection tools as well as emotional and practical support.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, such as gambling industry staff, primary care workers, clinicians, advisers support workers or other healthcare professionals.

It provides the skills and knowledge to manage concerns and direct individuals to specialist help and support.

Data Insight

GamCare can provide local authorities with data about the number of calls we get from their area (by first part of postcode) and the impacts raised by these callers (where known). Nationally, the most common impacts disclosed in 2016/17 included:



Information, Advice and Treatment

GamCare operates the National Gambling HelpLine; open every day from 8am to midnight, providing information, advice and support over the phone and via web chat to more than 30,000 callers each year.

This service is supported by a range of funded treatment, operating through GamCare and our network of partner agencies across England, Scotland and Wales, delivering expert one to one and group interventions.

These fully funded services are free to access right now:

- Telephone information and advice for problem gamblers and those affected by gambling-related harm;
- Brief and Extended Brief Interventions to reduce gambling-related harm;
- A range of face-to-face, online and telephone treatment;
- Onward signposting into appropriate local services;
- Aftercare and peer support, including GamCare's online Forum and Chatrooms;

GamCare is a source of local expertise on problem gambling and its impacts.

We can partner with local authorities to promote our services at no or low cost to improve the uptake of treatment and support and reduce the impacts of problem gambling in your area.

Engagement and Outreach

We understand how problem gambling develops in people's lives, and we understand how to intervene before things get out of control.

Our engagement teams work to proactively connect with the gambling industry, schools, police and probation services to provide a local signpost for all services in the community seeking expert help for gambling related harm.

Our engagement services will:

- Provide a specific gambling outreach service embedded within your local community;
- Engage with stakeholders across Local Authorities, operating a no-wrong door policy to ensure anyone, at any stage of the development of a problem can be supported;
- Operate from local authority or other desired premises;
- Link service users directly into the GamCare treatment network where further support is needed.

Contact GamCare



020 7801 7000



info@gamcare.org.uk



www.gamcare.org.uk



GamCare


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GamCare Training Services: Awareness and Prevention



Why choose GamCare?

GamCare is the UK's leading provider of information, advice, support and treatment for anyone affected by problem gambling. We also work to minimise gambling related harm through education and training.

Since 1997 GamCare has provided training for clinicians, researchers, educators, policy makers, the gambling industry and other professionals to increase understanding of problem gambling, its causes and consequences.

With 20 years of expertise, speaking daily to those affected by gambling problems, GamCare can work with many different organisations to raise awareness of problem gambling, and to educate those who might choose to gamble to do so responsibly.

This brochure is for anyone in a frontline role working with the public who believes they may come into contact with those affected by gambling related harm.

We deliver a comprehensive range of training products to suit your needs. Contact us today to discuss your requirements.

“The sessions Gamcare hosted have improved our knowledge and understanding of responsible gambling and the issues that can affect our customers. This was an empowering session for all - our teams are now better equipped and more confident in dealing with more complex and sensitive matters.”



Contact GamCare:

 020 7801 7000

 info@gamcare.org.uk

 www.gamcare.org.uk/training-and-certification

Awareness and Prevention

Problem Gambling Awareness

 **3 hours**

 **15 max.**

 **On-site or at our London office**

Provides an understanding of problem gambling and gambling-related harm, including signs, symptoms and the impacts of problem gambling on an individual's life and those around them.

- Start to understand the psychology of gambling, why people gamble and what happens to the brain when we gamble.
- Understand the difference between gambling and problem gambling, indicators and how to signpost to appropriate services.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, and who wish to gain a better understanding of the issue.

Problem Gambling - Identification and Brief Advice

 **3 hours (CPD)**

 **15 max.**

 **On-site or at our London office**

Provides in-depth understanding of gambling-related harm, with a focus on key risk factors and how to identify the problem, how to use a brief gambling screen and a range of current referral sources.

- Understand problem gambling, how to screen for it and structure a brief conversation to elicit further detail.
- Attain knowledge of the support and advice available, including player protection tools as well as emotional and practical support.

This course is for those working in frontline roles where they may encounter those affected by gambling-related harm, such as gambling industry staff, primary care workers, clinicians, advisers support workers or other healthcare professionals.

It provides the skills and knowledge to manage concerns and direct individuals to specialist help and support.

Gambling Industry Training

Social Responsibility and Interaction

 **6 hours (3 CPD Hours)**

 **15 max.**

 **On-site or at our London office**

Enables gambling industry managers and employees to identify customers who may have an issue with gambling, to understand their behaviour and conduct sensitive, meaningful interactions with those customers at the right time and place to signpost to appropriate support services.

As well as helping teams to identify the behavioural characteristics of customers who may be at risk of gambling-related harm, this course gives an understanding of the psychology of gamblers in relation to interaction. It will encourage the development of skills to provide effective, motivational interactions and conversations with at-risk customers.

This course is aimed at those working across the gambling industry, who have responsible gambling interactions with customers in a frontline capacity, such as customer service teams or those working in land-based premises.

Social Responsibility, Communication and Motivating Behaviour Change

 **12 hours**

 **15 max.**

 **On-site or at our London office**

Provides staff with the knowledge and skills to have proactive interactions on the subject of responsible gambling with all customers, whether or not they are experiencing harm from their gambling.

This two-day course gives an in-depth understanding of how motivational communication works and includes opportunities for practice time, to improve confidence in handling interactions with social, at-risk or problem gamblers.

The course equips learners with the theoretical and practical skills for handling calls and conversations, with special focus on staying safe and self-care when dealing with more challenging situations.

This course is aimed at those working across the gambling industry dealing with escalated responsible gambling issues, who need to carry out proactive responsible gambling interactions.

Gambling Industry Training & Certification

GamCare Extra eLearning: Player Protection and Social Responsibility

 **1 hour**

 **eLearning**

Increase understanding of problem gambling and player protection.

Find out how to identify and respond to player activity that may indicate problem gambling, inform customers about responsible gambling and signpost to appropriate help and support.

Extra eLearning is a series of scenario-based multiple choice modules, aimed at those interacting with customers in the remote sector of the gambling industry.



GamCare Certification

We recognise the importance of acknowledging those organisations that achieve high standards of social responsibility and player protection. We also believe that it's important that players can identify companies that operate to these high standards.

GamCare Certification is a voluntary audit process, assessed against our Code of Practice, and we certify both remote and land based gambling companies that have successfully implemented player protection policy and practice relevant to their platform and gambling service.

For more information contact Daniel Reilly at daniel.reilly@gamcare.org.uk

“The Certification process certainly assisted us in understanding our role, as operators and product suppliers, regarding (the prevention of) problem gambling. Knowing our role is key to understanding our responsibilities.”

Awareness and Prevention

Young People and Problem Gambling Awareness

 **3 hours (CPD)**

 **15 max.**

 **On-site or at our London office**

Around 370,000 young people aged 11-15 gamble each week, and it's estimated that as many as 25,000 may already be problem gamblers (Gambling Commission, 2017).

Many more may also be affected by the gambling of a loved one.

Youth facing professionals such as teachers and youth workers are well placed to be able to minimise harm as part of a robust safeguarding, mental health and prevention agenda.

This training provides knowledge of the nature of young people's gambling, confidence when dealing with the issue and awareness about where to signpost young people to if they need further support.

This CPD Accredited course is suitable for anyone working with young people aged 11-19.

Identification and Brief Advice - For Universities

 **3 hours**

 **15 max.**

 **On-site or at our London office**

Student gambling issues are an increasing concern for universities. Provide your staff with the awareness, knowledge and skills to identify problems with gambling and advise students who are affected.

Attendees will gain practical communication skills to invite students to discuss their gambling and provide a brief screening of their gambling behaviour, and will leave equipped with the knowledge of which services they can signpost to for further support.

This training is relevant to all staff members at universities who interact with students - you may be working in the student finance department, or you may be a clinician or welfare worker.



Awareness and Prevention

Identification and Brief Advice - For the Criminal Justice System

 **3 hours**

 **15 max.**

 **On-site or at our London office**

Problem gambling is disproportionately prevalent amongst those in the criminal justice system. From arrestees to those on probation, there is compelling evidence that problem gambling is an issue which too often remains unidentified.

Provide your staff with the knowledge and skills to be aware of, understand and screen for problem gambling.

This training will enable staff to understand the complexities of the issue and will equip your team with the knowledge of which services they can signpost to for further support.

This training is for anyone working within the criminal justice system, at any stage.

Please note we offer reduced fees for charities and statutory sector organisations.

Identification and Brief Advice - For Sports Clubs and Organisations

 **3 hours**

 **15 max.**

 **On-site or at our London office**

This course raises awareness of problem gambling for professional sports players, academies and the sports industry, and promotes a responsible attitude to gambling among this at-risk group.

This training provides coaches and sports leaders with the knowledge and skills to screen for problem gambling. It will enable attendees to understand the complexities of the issue and will equip them with the knowledge of which services they can signpost to for further support.

This course is aimed at leaders in the sports industry who have a duty of care to their players.





The CPD Standards Office

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2017 - 2019

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BY EMAIL

Licensing Department
East Devon District Council

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / AW / 097505.00005
#GS2229346
Your ref:
Date: 23 October 2018

Dear Sir/Madam,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The Association of British Bookmakers (ABB) represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

Please see below for the ABB's response to the Council's current consultation on the draft gambling policy statement.

This response starts by setting out the ABB's approach in areas relevant to the local authority's regulation of betting shop premises, and its commitment to working with local authorities in partnership. The response finishes by highlighting matters within the policy statement which the ABB feels may need to be addressed.

Betting shops have been part of the British high street for over 50 years and ensuring a dialogue with the communities they serve is vital.

The ABB recognises the importance of the gambling policy statement in focusing on the local environment and welcomes the informed approach this will enable operators to take with regard, to the requirements for local area risk assessments.

Whilst it is important that the gambling policy statement fully reflects the local area, the ABB is also keen to ensure that the statutory requirements placed on operators and local authorities under the Gambling Act 2005 remain clear; this includes mandatory conditions (for instance, relating to Think 21 policies) and the aim to permit structure. Any duplication or obscuring of these would be detrimental to the gambling licensing regime. The ABB also believes it is important that the key protections already offered for communities, and clear process (including putting the public on notice) for objections to premises licence applications, continue to be recognised.

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

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that numbers as of March 2017 were 8,788 - a decline of 349 since March 2014, when there were 9,137 recorded.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

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

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA), developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms, which established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework builds on earlier examples of joint working between councils and the industry, for example the Medway Responsible Gambling Partnership which was launched by Medway Council and the ABB in December 2014. The first of its kind in Britain, the voluntary agreement led the way in trialing multi-operator self-exclusion. Lessons learned from this trial paved the way for the national multi-operator self-exclusion scheme now in place across the country. By phoning a free phone number (0800 294 2060) a customer who is concerned they are developing a problem with their gambling can exclude themselves from betting shops close to where they live, work and socialise. The ABB is working with local authorities to help raise awareness of the scheme, which is widely promoted within betting shops.

The national scheme was first trialed in Glasgow in partnership with Glasgow City Council. Cllr Paul Rooney, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling,

described the project as "*breaking new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator.*"

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities. These partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

Local area risk assessments

Since April 2016, under new Gambling Commission LCCP provisions, operators have been required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated. Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy, and any local area profile, in their risk assessment. These must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or for a new premises licence.

The ABB fully supports the implementation of risk assessments which will take into account risks presented in the local area, such as exposure to vulnerable groups and crime. The requirements build on measures the industry has already introduced through the ABB Responsible Gambling Code to better identify problem gamblers and to encourage all customers to gamble responsibly.

This includes training for shop staff on how to intervene and direct problem gamblers to support services, as well as new rules on advertising including banning gaming machine advertising in shop windows, and the introduction of Player Awareness Systems which use technology to track account based gaming machine customers' player history data to allow earlier intervention with any customers whose data displays known 'markers of harm'.

Best practice

The ABB is committed to working pro-actively with local authorities to help drive the development of best practice with regard to local area risk assessments, both through responses to consultations such as this and directly with local authorities. Both the ABB and its members are open and willing to engage with any local authority with questions or concerns relating to the risk assessment process, and would encourage them to make contact.

Westminster Council is one local authority which entered into early dialogue with the industry, leading to the development of and consultation on draft guidance on the risk assessment process, which the ABB and our members contributed to. Most recently one operator, Coral, has been

working closely with the Council ahead of it issuing its final version of the guidance, which we welcome.

The final guidance includes a recommended template for the local area risk assessment which we would point to as a good example of what should be expected to be covered in an operator's risk assessment. It is not feasible for national operators to submit bespoke risk assessments to each of the c.350 local authorities they each deal with, and all operators have been working to ensure that their templates can meet the requirements set out by all individual local authorities.

The ABB would be concerned should any local authority seek to prescribe the form of an operator's risk assessment. This would not be in line with better regulation principles. Operators must remain free to shape their risk assessment in whichever way best meets their operational processes.

The ABB has also shared recommendations of best practice with its smaller independent members, who although they deal with fewer different local authorities, have less resource to devote to developing their approach to the new assessments. In this way we hope to encourage a consistent application of the new rules by operators which will benefit both them and local authorities.

Concerns around increases in the regulatory burden on operators

The ABB is concerned to ensure that any changes in the licensing regime at a local level are implemented in a proportionate manner. This would include if any local authority were to set out overly onerous requirements on operators to review their local risk assessments with unnecessary frequency, as this could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this should be where evidence can be provided to demonstrate that the change could impact the premises' ability to operate consistently with the three licensing objectives.

Any increase in the regulatory burden would severely impact ABB members at a time when overall shop numbers are in decline, and operators are continuing to absorb the impacts of significant recent regulatory change. This includes the increase to 25% of Machine Games Duty, limits to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Employing additional licence conditions

It should continue to be the case that additional conditions are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and the ABB, and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%. The ABB has seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

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

Considerations specific to the Draft Statement of Licensing Policy - 2019 to 2022

Paragraph 13 explains the requirements for licensees to assess 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. Paragraph 13.2 requires that risk assessments must be updated in certain circumstances and includes an example of the erection of privacy screens sited around gaming machines. In betting offices, the purpose of a privacy screen is to enhance the customer experience as many customers prefer to play gaming machines without the possibility of people looking over their shoulder. The ABB has engaged with the Gambling Commission over these privacy screens and the general view is that there is no difficulty with them as long as the screen/pods do not impede supervision. On the basis that such screens do not impede supervision then there can be no risk to the licensing objectives caused by their installation and therefore it is unnecessary to update the risk assessment when such screens are installed. In the circumstances, this example/requirement to undertake a new risk assessment upon the installation of privacy screens should be deleted.

Paragraph 13.9 contains a list of bullet points that the licensing authority recommends be taken into account by operators when making their risk assessments. This list of bullet points needs to be redrafted as it contains matters that cannot be relevant to any assessment of risks to the licensing objectives. For example, the bullet point referring to “*gaming trends that may mirror days for financial payments such as pay days or benefit payments*” should be deleted. This cannot be relevant to an assessment of risk to the licensing objectives unless the licensing authority has predetermined that persons in receipt of benefit are automatically vulnerable or more likely to commit crime as a result of gambling.

Similarly, the proximity of the proposed premises to other gambling outlets, banks, post offices, refreshment and entertainment type facilities cannot be relevant to an assessment of risk to the licensing objectives and therefore, the bullet points containing these references should be deleted.

Issues of nuisance are not relevant considerations when assessing risks to the licensing objectives and the references to street drinking, youths participating in anti-social behavior such as graffiti/tagging should all be removed.

Within part B there are references to paragraph numbers in the Gambling Commission Guidance which needs to be updated. These references do not correspond with the latest version of the Gambling Commission Guidance (fifth edition issued September, 2015).

Paragraph 1.11 in Part B should be amended to remove the penultimate sentence. This refers to the possibility of a policy with regard to areas where gambling premises should not be located. Any such policy is likely to be unlawful and is certainly contrary to the overriding principle that the licensing authority will aim to permit these premises for gambling. On the basis that such policy is likely to be unlawful, is unlikely to exist and in any event would not preclude an application being made or determined on its own merits, this sentence should be removed.

Paragraphs [1.20 to 1.27](#) explain the licensing authorities approach to the imposition of conditions on premises licences. This section would be assisted by a clear statement that the mandatory and default conditions are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives and the starting point for consideration of any application is that it will be granted subject only to those mandatory and default conditions. This section should also state that additional conditions will not be considered where there is clear evidence of a risk to the licensing objectives in the circumstances of a particular case that requires that the mandatory and default conditions be supplemented.

Paragraph 6 of Part B refers to betting premises and indicates that the licensing authority would expect a variation of the premises licence if privacy screens/booths were to be installed.

Previous guidance from the DCMS and the Gambling Commission has been that an application for variation will only be required where there are material changes to the layout of the premises. It is accepted that what constitutes a material change could be a matter for local determination but on the basis that a privacy screen does not impede supervision, it is difficult to see how the installation of a screen could be considered a material change. The Gambling Commission Guidance is clear that when considering an application for variation, the licensing authority will have regard to the principles in S.153 Gambling Act 2005. These are not adversely affected by the installation of a screen which does not affect supervision and it is submitted, therefore, that an application for variation of the premises licence should not be required where these screens are installed. Accordingly this section should be re-drafted.

Conclusion

The ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, the ABB and its members already do this successfully in partnership with local authorities now. This includes through the ABB Responsible Gambling Code, which is mandatory for all members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff.

We would encourage local authorities to engage with us as we continue to develop both these codes of practice, which are in direct support of the licensing objectives, as well as our processes around local area risk assessments.

Yours faithfully,



GOSSCHALKS



Draft Statement of Licensing Policy

GAMBLING ACT 2005

**For the period 31 January 2019
to
31 January 2022**

**DRAFT VERSION 2 (2018)
Amended following consultation**

The additions and changes to the draft policy made prior to consultation can easily be recognised as they appear on the web version in **red bold font as this example**.

The additions and changes to the draft policy made after consultation can easily be recognised as they appear on the web version in **blue bold font as this example**.

(To be Approved by Full Council.12 December 2018)

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Part A

1 The Licensing Objectives

1.1 The Licensing Authority has a duty under the Gambling Act 2005 to carry out its licensing functions in a manner which is consistent with three licensing objectives. The relevant 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

1.2 This Licensing Authority particularly notes the Gambling Commission's Guidance ~~(5.28)~~ **(5.34)** to local authorities that:

"In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met. Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers)."

1.3 This licensing authority is aware that, in making decisions about premises licenses and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority's statement of licensing policy

2 Introduction

2.1 The Gambling Act 2005 (the "Act") requires this Licensing Authority to draft, consult and publish a Statement of Licensing Policy in relation to its responsibilities under the Act. Once published, this Policy Statement, called the Statement of Gambling Policy will be kept under constant review and, in any case, will be re-published after every three years. Before any revision of the Statement of Gambling Policy is published this Authority will carry out a full consultation exercise on the relevant sections. This version of the Statement of Gambling Policy has been revised following the third 3 year review and is for the period 2019 – 2022.

2.2 This Statement of Principles (Licensing Policy) is written to conform to the provisions of the Gambling Act 2005 and regulations and Guidance issued under s.25 of the Act by the Gambling Commission. It outlines the way the licensing Authority will deal with applications for a range of premises licences, permits and enforcement of the Act.

2.3 Section 25 of the Gambling Act 'Guidance to local authorities' states that the Commission shall from time to time issue guidance as to:

- (a) The manner in which local authorities are to exercise their functions under this Act, and
- (b) In particular, the principles to be applied by local authorities in exercising functions under this Act."

2.4 The aim of this Guidance is to ensure that every licensing authority has the information it needs to make effective decisions but does not seek to impose a 'one size fits all' model across all licensing authorities. The commission recognises that every licensing authority is different and will have different views about how it wishes to manage gambling locally. Indeed, the Act establishes a high degree of local accountability for gambling regulation'.

The Gambling Act 2005 can be accessed on this link:

<http://www.legislation.gov.uk/ukpga/2005/19/contents>

2.5 **The Statement takes effect on 31 January 2019.**

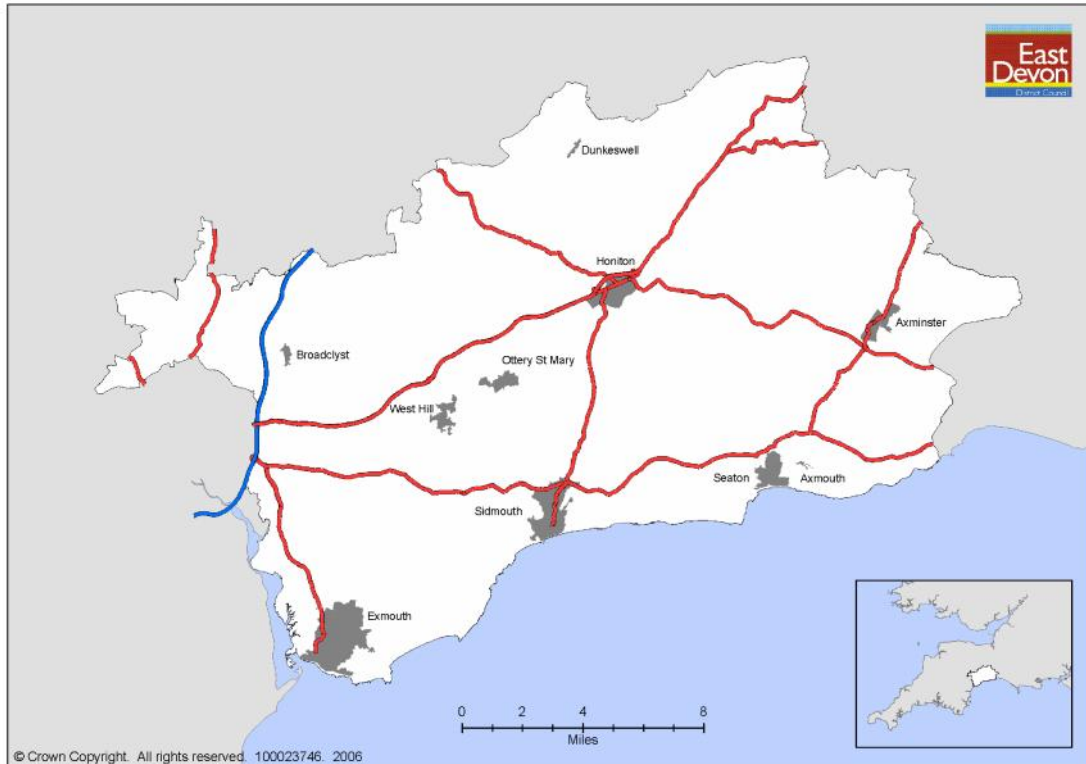
3 The Geographical ~~and Local Area~~ Profile of East Devon

- 3.1 East Devon is one of eight Devon districts and, in population terms, it is the largest in the County. The District has a dispersed and mainly rural population which currently stands at 135,560. Holiday and tourism industries are major contributors to the economy of the district. **The district has a dispersed and largely rural population. The rural nature of the area is emphasised by the low population density of 1.6 persons per hectare (the England average is 4.11).**
- 3.2 The District is fully parished with 63 Town and Parish Councils. **Comprising of 32 wards, 21 have a population density below the England average with a mix of market and costal town areas with much higher population densities including towns such as Exmouth, Seaton and Honiton. The main settlements are the coastal resorts of Exmouth (Devon's largest town – population 35,989) Budleigh Salterton, Sidmouth and Seaton. Inland are Honiton, Ottery St Mary and Axminster.** There are numerous villages and hamlets and 2011 saw the emergence of the new town of Cranbrook to the north of the district along with other urban extensions including the Exeter Science Park and Skypark. **At the last census there were 63,881 homes listed in East Devon – the highest number of all the Devon districts.**
- 3.3 The **natural environment also makes East Devon a popular place to visit with tourism bringing significant employment and business opportunities.** The population increases during summer periods when larger holiday parks in coastal towns see full capacity taken up by holidaymakers. East Devon has about 2,400 second homes that are used as holiday homes, which is about 3.8% of the homes in our district. **Forty per cent of those are owned by those aged 65+. The district has the second highest amount of holiday homes of the Devon districts.** The tourist economy brings with it a number of gambling activities, for example Adult Gaming Centres (4)* and Unlicensed Family Entertainment Centre Permits (9)* requiring a permit rather than a premises licence.
- 3.4 The towns of Exmouth, Sidmouth, Seaton and Honiton have a number of betting shops, for which there are 40* **9** across the district. East Devon currently has **642*** licensed premises and clubs under the Licensing Act 2003, of which **114*** have notified the licensing authority of having gaming machines. Additionally there are 16* Club Machine Permits across the district.
- 3.5 Predominantly, residents are from a white British background, with just 1.59 per cent of the district's population coming from an ethnic background. The migration of population into East Devon from other parts of the UK show that there were 1246 more people moving into the area than out. The largest age group moving in and out of the district was the 25-44 age group.
- 3.6 Whilst not a requirement, in line with developing a more local focus for this statement, it is the desire of the Council to adopt a Local Area Profile. The creation of such a profile will entail a process of gathering and presenting information about the East Devon area and any particular areas of concern within the locality.

Data Sources

1 2018 Knowing East Devon report EDDC

*Figures correct at the time of publication



4 Review of Statement of Principles

- 4.1 Licensing authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.
- 4.2 The Gambling Act requires that the following parties be consulted by Licensing Authorities:
- 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.
- 4.3 Before adopting this policy statement the Licensing Authority also made the draft policy available to the following for comment:
- All responsible authorities
 - Gambling premises licence and permit holders**
 - British Beer & Pub Association
 - Chambers of Commerce within East Devon area
 - Citizen’s Advice Bureau
 - Environmental Health Authority for the district
 - Devon and Cornwall Police
 - Devon County Council Children and Young Peoples Services
 - Devon **and Somerset** Fire and Rescue Service
 - East and Mid Devon Community Safety Partnership

- Planning Authority for the district
- Gamblers Anonymous
- Gambling Commission
- Gamcare
- HM Commissioners of Custom and Excise
- Local businesses and their representatives
- Local residents and their representatives
- Mencap
- NSPCC
- ~~Premises holding Club Premises Certificates~~
- Primary Care Trust
- Representatives & Association of British Bookmakers
- Town and Parish Councils within East Devon
- Voluntary & Community organisations working with children & young people

4.4 Proper weight has been given to the views of all those who have made comment on the draft Statement of Principles.

Our consultation is to take place between [9 August 2018 and 26 October 2018](#) and we followed the government's [Cabinet Office guidance on public consultations](#) which is available at:
<https://www.gov.uk/government/publications/consultation-principles-guidance>

4.5 The Statement of Principles is to be approved at a meeting of the Full Council on [12 December 2018](#) and will be published via the Council's website. Copies will be placed in the public libraries of the area as well as being available for viewing at the offices of East Devon District Council, Knowle, Sidmouth, EX10 8HL

4.6 Should you have comments regarding this Statement of Licensing Principles please write to the above address or email licensing@eastdevon.gov.uk

4.7 It should be noted that 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.

5 Declaration

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

6 The Overriding Principle

6.1 In exercising its functions under the Act, this Licensing Authority will aim to permit the use of premises for gambling in so far as it thinks fit:

- in accordance with any relevant codes of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- as is reasonably consistent with the licensing objectives; and
- in accordance with the authority's Statement of Licensing Policy under section 349.

- 6.2 Each case will be considered on its merits.
- 6.3 In deciding whether or not to grant a licence, this authority does not have regard to the expected demand for the facilities that are the subject of the application.
- 6.4 The overriding principle does not, however, apply to the consideration of an application for a casino licence if this Authority resolves not to issue casino premises licences.

7 Responsible Authorities

- 7.1 Responsible authorities are those public bodies, as specified by the Gambling Act, which must be notified of applications for premises licence. Such bodies are entitled to make representations to the licensing authority in relation to the applications. The Responsible Authorities are detailed in Appendix A and available via the Council's website at <http://eastdevon.gov.uk/licensing/gambling/>.
- 7.2 The licensing authority is required by regulations 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, this authority designates the Area Child Protection Committee and Local Safeguarding Children Board.

8 Interested Parties

- 8.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as: "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 by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:
 - (a) Each case will be decided upon its merits. This licensing authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Guidance at ~~8.11 to 8.19~~ **8.9 to 8.17**. The authority will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
 - (b) Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be

considered to be interested parties. Other than these, however, this licensing authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation may normally be sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing and Enforcement Committee or Sub Committee dealing with the licence application. If there are any doubts then please contact the Licensing Service: East Devon District Council, Knowle, Sidmouth, Devon, EX10 8HL, email:- licensing@eastdevon.gov.uk or telephone:- 01395 517410¹

9 Exchange of Information

- 9.1 The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the **General Data Protection Regulation** Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005. The Licensing Authority will have regard to the principles of Better Regulation.
- 9.2 Should any protocols be established regarding information exchange with other bodies then they will be made available.

Licensing authorities are required to include in their Statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

10 Enforcement

~~Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.~~

- 10.1 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities and in line with the Regulators Code.
- 10.2 This licensing authority's principles endeavour to ensure its 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.
 - In line with the council's policy for regulatory and enforcement work with a graduated approach involving advice, guidance and support. Our approach is to engage with individuals and businesses to educate and to enable compliance.**
- 10.3 In line with the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 10.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on:
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the Premises Licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by this licensing authority but should be notified to the Gambling Commission.

This licensing authority will also keep itself informed of developments regarding the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this **Council's Regulatory Enforcement and Prosecution Policy** ~~licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Service at East Devon District Council and is available via the Council's website at~~ <http://eastdevon.gov.uk/enforcement-policies>

11 Licensing Authority functions

11.1 Licensing Authorities are required under the Gambling Act 2005 to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing **Premises Licences**
- Issue **Provisional Statements**
- Regulate **members' clubs and miners' welfare institutes** who wish to undertake certain gaming activities by issuing Club Gaming Permits and/or Club Machine Permits
- Issue **Club Machine Permits to Commercial Clubs**
- Grant permits for the use of certain lower stake gaming machines at **unlicensed Family Entertainment Centres**
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue **Licensed Premises Gaming Machine Permits** for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register **small society lotteries** below prescribed thresholds
- Issue **Prize Gaming Permits**
- Receive and Endorse **Temporary Use Notices**
- Receive **Occasional Use Notices**
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

11.2 It should be noted that local Licensing Authorities will not be involved in licensing remote gambling. This **is regulated by** ~~will fall to the Gambling Commission via operating licences. The Financial Services Authority regulates spread betting and the National Lottery Commission regulates the National Lottery.~~

12 The Gambling Commission

12.1 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides

independent advice to the Government about the matter in which gambling is carried out, the effects of gambling and the regulations of gambling generally.

- 12.2 The Commission has issued guidance under Section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- 12.3 The Commission has also issued Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.
- 12.4 The Gambling Commission can be contacted at:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP
Website: www.gamblingcommission.gov.uk
Email: info@gamblingcommission.gov.uk

13 Local Risk assessments

- ~~13.1 The Gambling Commission's Licence Conditions and Codes of Practice required operators to consider local risks with effect from the 6 April 2016.~~
- 13.1 **With effect from 6 April 2016**, the Gambling Commission's Social Responsibility Code's **will** requires licensees 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, licensees should take into account any relevant matters identified in this Statement of Principles **and any associated local area profile produced by this Licensing Authority (see Section 3 above).**
- 13.2 Licensees are required to undertake a local risk assessment when applying for a new **or transfer of a** premises licence. Their risk assessment must be also be updated:
- When applying for a variation of a premises licence
 - To take account of significant changes in local circumstances, including those identified in this policy statement
 - Where there are significant changes at a licensee's premises that may affect their mitigation of local risks, **to include any changes to the interior layout of the premises, for example erection of privacy screens sited around gaming machines**
 - To require that local risk assessments will be kept available at a licensee's premises and being readily available for inspection by licensing authorities.**
- 13.3 Where concerns do exist, perhaps promoted by new or existing risks, the Licensing Authority will 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.
- 13.4 This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licenses where those premises lie within areas with a concentration of schools, Anti Social Behaviour (ASB) hotspots and hostels or homes for vulnerable people.

- 13.5 Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of trained staff, and propose licence conditions to cater for the local area in which they propose to run their business.
- 13.6 As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that ‘... it does, for regulatory purposes, assume that this group includes people who gamble more than they want to, people who gamble beyond their means and people who may not be able to make informed or balanced decisions about gambling due to, for example, mental health, a learning disability or substance misuse relating to alcohol or drugs.’
- 13.7 This Licensing Authority will consider the licensing objective of protecting children and other vulnerable persons on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision. This Authority will also make itself aware of the Codes of Practice which the Gambling Commission issues in relation to this.
- 13.8 This Licensing Authority will expect compliance by operators and licence holders with anti-money laundering conditions by having measures in place to identify and report suspicious financial activity.
- 13.9 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.
-) Information held by the licensee regarding self-exclusions and incidences of underage gambling,
 -) Arrangement for localised exchange of information regarding self-exclusions and gaming trends,
 -) Gaming trends that may mirror days for financial payments such as pay days or benefit payments,
 -) Appropriate staffing to adapt to difference in times of day and seasonal periods,
 -) Proximity to schools, commercial environment or other factors affecting footfall
 -) Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
 -) Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.
 -) Potential for money laundering
- Matters relating to children and young persons, including;
-) Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues
 -) Any premises where children congregate including bus stops, café’s, shops, and any other place where children are attracted,
 -) Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
 -) Recorded incidents of attempted underage gambling
 -) Areas where there is a presence of children and young persons on a seasonal basis (e.g. school holidays) such as holiday resorts, visitor attractions, etc.
 -) **How matters relating to safeguarding issues and child sexual exploitation have been considered and details of any training that has been provided to employees**

- Matters relating to vulnerable adults, including;
-) Information held by the licensee regarding self-exclusions
-) Gaming trends that may mirror days for financial payments such as pay days or benefit payments,
-) Arrangement for localised exchange of information regarding self-exclusions and gaming trends,
-) Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate.
-) **What measures have been put in place in relation to supporting vulnerable adults and any training that has been provided to employees**

Other issues that may be considered could include:

-) Proximity of premises which may be frequented by large numbers of people including sports stadiums, leisure centres, places of worship.

This list is not exhaustive. Other factors not in this list that are identified must be taken into consideration.

- 13.10 This Licensing Authority will expect that Risk Assessment must be kept on the premises to which it relates and available for inspection by an authorised officer of the licensing authority or Gambling Commission

14 The Licensing Process

- 14.1 A Licensing Committee (Licensing and Enforcement Committee), a Sub-Committee, or an officer acting under delegated authority may carry out the powers of the authority under the Gambling Act 2005.
- 14.2 Many of the licensing procedures are largely administrative in nature. In the interests of efficiency, non-contentious procedures are carried out by licensing officers.
- 14.3 The Licensing Authority ensures that all Licensing Officers and Members of the Licensing and Enforcement Committee have received adequate training for their role under the Gambling Act 2005.
- 14.4 Where admissible and relevant representations are received in relation to an application for a premises licence, or in relation to the review of a premises licence, a Sub-Committee is delegated to hear the matter.
- 14.5 Applicants for premises licences are required to copy their applications in full to the responsible authorities as listed in Appendix A.
- 14.6 This Licensing Authority will delegate its licensing functions under the Act in accordance with council's [East Devon Regulatory Enforcement and Prosecution Policy principles](#)

Part B - Premises Licences: Consideration of Applications

1 General Principles

- 1.1 Premises Licences are subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 1.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority's Statement of Principles.
- 1.3 It is appreciated that in line with the Gambling Commission's Guidance to licensing authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" (except as regards any 'no casino resolution' - see section on Casinos later) and also that unmet demand is not a criterion for a licensing authority.
- 1.4 **Definition of "premises"** - In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about subdivisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 1.5 The Gambling Commission states in its Guidance that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
- 1.6 Any premises granted multiple licences prior to clarification of guidance issued by the Gambling Commission in 2009, may be reviewed from time to time having regard to the amended guidance including more recent amendments; the decision making process taken at that time; the separation control measures put in place; any material changes noted since the granting of the application and the relevance of all these factors having regard to the promotion of the licensing objectives. In particular to the protection of children and vulnerable persons from being harmed or exploited by gambling.
- 1.7 This licensing authority takes particular note of the Gambling Commission's Guidance

to licensing authorities which states that: Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.
- Suitable and adequate separation by means of screening, walls, specific signage or similar
- There should not be any direct access to a premises (Adult Gaming Centre) from an area where a permit has been granted (for example an adjoining UFEC)

The Guidance also provides a list of factors which this licensing authority should consider and includes:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?
- This licensing authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

The Gambling Commission’s relevant access provisions for each premises type are reproduced below from the Guidance, ~~7.26~~ 7.23:

Casinos

- The principal access entrance to the premises must be from a street (as defined at ~~7.24~~ 7.21 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as defined at paragraph ~~7.24~~ 7.22 of the Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

Part 7 of the Guidance contains further guidance on this issue, which this licensing authority will also take into account in its decision-making.

1.8 Premises “ready for gambling”

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

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

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

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

1.9 Applicants should note that this licensing authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

1.10 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58 – ~~7.67~~ **7.65** of the Guidance.

1.11 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision making. In line with the Gambling Commission’s Guidance to licensing authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. ~~Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.~~ It should be noted that any such policy does not

preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

1.12 **Planning:**

The Guidance states:

Paragraph - ~~7.60~~ **7.58** - In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This licensing authority will not take into account irrelevant matters in line with the above guidance. In addition this licensing authority notes the following excerpt from the Guidance:

Paragraph - ~~7.67~~ **7.65** - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

- 1.13 **Duplication with other regulatory regimes** - This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will, though, listen to, and consider carefully, any concerns about conditions which cannot be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this licensing authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 1.14 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to licensing authorities and further comment on the objectives is made below.

- 1.15 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime **including prevention of money laundering**. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

1.16 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however more of a role with regarding to tracks which is explained in more detail in the tracks section later.

1.17 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance to licensing authorities states that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). This licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc. **The need to ensure safeguarding of children and other vulnerable adults is an expectation of the licensing authority. The Licence Conditions and Codes of Practice (LCCP) prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are present. In particular operators are expected to ensure:**

-) all staff are trained,
-) that all customers are supervised when on gambling premises,
-) procedures for identifying customers who are at risk of gambling related harm are in place.

The Council will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility. These should cover all aspects including in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The council will take all conditions and codes into account when considering applications or performing enforcement activities.

Appendix D provides information for licence holders and their employees regarding safeguarding and the safety of children and vulnerable persons, particularly to child sexual exploitation and trafficking.

1.18 This licensing authority is also aware of the Gambling Commission's Codes of Practice regarding this licensing objective, in relation to specific premises.

1.19 It is noted that the Gambling Commission is not seeking to offer a definition of the term "vulnerable persons" but states that "it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs."

The Local Government Association report titled "Tackling Gambling Related Harm – A whole council approach" references research supporting the suggestion that certain groups of people are more vulnerable. This is set out in page 7 of that report and is acknowledged by this licensing authority.

This licensing authority will consider the licensing objective on a case-by-case basis.

- 1.20 **Conditions** - 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;
 - reasonable in all other respects; and
 - enforceable
- 1.21 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions on the way in which the licensing objectives can be met effectively when making their application.
- 1.22 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 1.23 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 1.24 This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 1.25 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winnings or prizes.

- 1.26 **Door Supervisors** - The Gambling Commission advises in its Guidance that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (in line with the Guidance, Part 33).

- 1.27 In deciding whether door staff are needed and the level of training required the licensing authority will take into account the particular circumstances of the premises and the Gambling Commissions guidance.

2 Adult Gaming Centres

2.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover the following issues:

- CCTV
- Door supervisors
- Location of entry
- Notices/signage
- Physical separation of areas (an expectation for barriers to be tangible and evident)
- Proof of age schemes
- Provision information leaflets helpline numbers for organisations such as GamCare.
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances/machine areas

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

2.2 The question of sub-division of such premises has been the subject of further Gambling Commission Guidance. This Licensing Authority will have regard to any relevant additional guidance that may be issued by the Gambling Commission in respect to such applications any decision-making.

2.3 This Authority accepts that there must be no direct entry from one adult gaming centre into another and will have regard to any relevant guidance issued by the Gambling Commission in respect to such applications.

3 (Licensed) Family Entertainment Centres

3.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

3.2 This licensing authority may consider measures to meet the licensing objectives including those relating to:

- CCTV
- Door supervisors
- Location of entry
- Measures/training for staff on how to deal with suspected truant school children on the premises
- Notice/signage
- Physical separation of areas
- Proof of age schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Self-exclusion schemes
- Specific opening hours
- Supervision of entrances / machine areas

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

3.3 This licensing authority will, in line with the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences

covering the way in which the area containing the category C machines should be delineated.

~~Applicants for Permits for Adult or Family Entertainment Centres (licensed or unlicensed) (formerly known as 'Amusement Arcades') are advised to speak to the Planning Service of this Council before making a formal application to the Licensing Service.~~

~~The Planning Service can be contacted at Planning and Countryside Service, East Devon District Council, Council Offices, Knowle, Sidmouth, EX10 8HL — Tel. 01395 546554~~

4 Casinos

East Devon District Council 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 Full Council.

~~Whilst the Council has not passed such a resolution, the Council is currently not enabled by the Secretary of State (in accordance with regulations made under Section 175 of the Act) to grant a premises licence for a casino.~~

5 Bingo premises

5.1 This licensing authority notes that the Gambling Commission's Guidance states:

~~Paragraph 18.4~~ Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas. ~~In consideration before issuing additional bingo premises licences, the licensing authority will need to consider whether bingo can be played at each of those new premises.~~

This licensing authority also notes the Guidance at paragraph ~~18.8~~ **18.9** regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible ~~for all of the gaming machines to which each of the licence brings an entitlement to be grouped together within one of the licensed premises to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.~~ In these cases this Licensing Authority will have particular regard to the Gambling Commission Guidance on the 'meaning of premises' (~~7.12—7.20~~) (**7.5-7.11**) and how it relates to the primary gambling activity.

~~Paragraph 18.7~~ Children and young people are allowed into bingo premises, however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

6 Betting premises

Betting machines

This Licensing Authority will consider whether it is appropriate to restrict the number of betting machines, their nature and the circumstances in which they are made available by way of licence condition for betting or casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in a particular premises, this Licensing Authority, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons.”

The Licensing Authority recognises that the design and layout of betting premises (or any other premises including tracks) will vary so will have particular regard to the sighting of age restricted gaming machines within each individual premises to ensure, so far as is reasonably practicable, that staff properly monitor the use of these machines by children and young persons. This Licensing Authority reserve the right to request that gaming machines are re-positioned where circumstances demonstrate that it is appropriate to do so. **Where a substantial or significant variation to a premises occurs, to include sighting or placement of screens and/or booths, it will be the expectation of the licensing authority for an application to vary the licence along with a revised plan of the premises to be submitted.**

Factors to be taken into consideration will include the following:

- CCTV
- Re-location of the machines
- Door buzzers
- Remote cut off switches
- Training provision
- Any other factor considered relevant

7 Tracks

- 7.1 This licensing authority is aware that tracks may be subject to more than one premises licence, provided each licence relates to a specified area of the track. In line with the Gambling Commission’s Guidance, this licensing authority will especially consider the impact upon the third licensing objective (that is the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 7.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 7.3 This licensing authority may consider measures to meet the licensing objectives including those relating to:
- CCTV
 - Location of entry

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

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

7.4 **Gaming Machines**

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

Applicants are advised to consult the Gambling Commission's Guidance on where gaming machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This Licensing Authority will take note of this guidance. This Licensing Authority will also, in line with the Gambling Commission's Guidance, consider the location of gaming machines at tracks.

7.5 **Betting Machines**

This licensing authority will, in line with part 6 of the **Gambling Commission** Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

On tracks where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines, this Licensing Authority will generally consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence.

7.6 **Applications and plans**

Section 151 of the Gambling Act 2005 requires applicants to submit plans of the premises with their application, in order to ensure that this licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for this licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or

racers. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This licensing authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this licensing authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, paragraph 20.33) **20.46.**

~~Only one premises licence may be issued for any particular establishment at any time. There is one exception to this rule, namely a track (that is a horse race course, dog track or other premises where races or sporting events take place), which may be subject to more than one premises licence, provided each licence relates to a specified area of the track. The Act sets out that there will be a main (betting premises) licence for the track, and in addition subsidiary premises licences for other gambling activities may be issued. In principle there is no reason why all types of gambling should not co-exist upon a track, however this licensing authority will want to think about how the third licensing objective is delivered by the co-location of premises. As with the granting of multiple licences in a single building, this licensing authority will need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. Premises licences in relation to tracks are unusual in that, because the track operator does not need to have an operating licence (although may have one), the premises licence will need to contain requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting. The conduct of the betting on tracks will be regulated primarily through the operating licences that the persons offering betting on the track will need to hold (whether a general betting operating licence or a pool betting operating licence). But the track operator will have a role to play in ensuring, for example, that the betting areas are properly administered, and licensing authorities will have an important role in regulating tracks, because of the particular rules surrounding on-course betting, and the sub-division of the track into different areas.~~

8 Travelling Fairs

- 8.1 Where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs it will be this Licensing Authority’s responsibility to decide whether the statutory requirement is met, that the facilities for gambling amounts to no more than an ancillary amusement at the fair.
- 8.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 8.3 It is been noted that the 27 day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land, which crosses our boundaries, is monitored so that the statutory limits are not exceeded.

9 Provisional Statements

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

In addition, this licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in this licensing authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

10 Reviews

- 10.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below.
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives;
 - in accordance with the authority's Gambling Licensing Policy
- 10.2 The Licensing Authority will also consider whether the request is frivolous, vexatious, whether the request will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether the request is substantially the same as previous representations or requests for review;
- 10.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises on the basis of any reason which it thinks is appropriate.
- 10.4 Once a valid application for a review has been received by this licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by this licensing authority, who will publish notice of the application within 7 days of receipt.
- 10.5 This licensing authority must carry out the review as soon as possible after the 28-day period for making representations has passed.
- 10.6 The purpose of the review will be to determine whether this licensing authority should take any action in relation to the licence. If action is justified, the options open to this licensing authority are:-
- (a) add, remove or amend a licence condition imposed by this licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 10.7 In determining what action, if any, should be taken following a review, this licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 10.8 In particular, this licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 10.9 Once the review has been completed, this licensing authority must, as soon as possible, notify its decision to:
- (i) the licence holder
 - (ii) the applicant for review (if any)
 - (iii) the Commission
 - (iv) any person who made representations
 - (v) the chief officer of police or chief constable; and
 - (vi) Her Majesty's Commissioners for Revenue and Customs

PART C

Permits / Temporary & Occasional Use Notice

1 Unlicensed Family Entertainment Centre - Gaming Machine Permits Statement of Principles – (Schedule 10 Paragraph 7)

- 1.1 Where an establishment does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 1.2 The Gambling Act 2005 states that a licensing authority may prepare a **statement of principles** that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities also states: "In their three year Statement of Principles (Licensing Policy), licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues." (Guidance Paragraph 24.6-24.8)
- 1.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application . . ." This Licensing Authority will require the applicant to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed Family Entertainment Centres;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes. (Guidance Paragraph 24.7 24.9)
 - an expectation for gaming machines to be properly marked and identified according to category**
- 1.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 1.5 **Statement of Principles**
- 1.5.1 This licensing authority has adopted a Statement of Principles in accordance with Paragraph 7 of Schedule 10 of the Act and they are for the purposes of clarifying the measures that the council will expect applicants to demonstrate when applying for a permit for an unlicensed family entertainment centre. This will allow the council to better determine the suitability of the applicant and the premises for a permit.
- 1.5.2 Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:
- they are a fit and proper person to hold the permit
 - they have considered and are proposing suitable measures to promote the licensing objectives, and
 - they have a legal right to occupy the premises to which the permit is sought.

1.5.3 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

1.6 **Unlicensed family entertainment centres**

1.6.1 The term 'unlicensed family entertainment centre' is one defined in the Act and refers to a premises which provides category D gaming machines along with various other amusements such as computer games and penny-pushers. The premises is 'unlicensed' in that it does not require a premises licence but does require a permit to be able to provide its category D gaming machines. It should not be confused with a 'licensed family entertainment centre, which does require a premises licence because it contains both category C and D gaming machines.

1.6.2 Unlicensed family entertainment centres (uFECs) will be most commonly located at seaside resorts, in airports and at motorway style service centres, and will cater for families, including unaccompanied children and young persons.

1.6.3 The council will only grant an uFEC gaming machine permit where it is satisfied that the premises will be operated as a bonafide unlicensed family entertainment centre.

1.6.4 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this "Statement of Principles" have been addressed through the application.

1.7 **Supporting documents**

1.7.1 The council will require the following supporting documents to be served with all uFEC gaming machine permit applications:

- ❑ proof of age (a certified copy or sight of an original birth certificate, a photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
- ❑ proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
- ✂ the result of a criminal records **basic** disclosure **checking** [~~criminal conviction certificate~~] (the disclosure must have been issued within the previous **3** months). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – **Basic** Disclosures can be obtained from **the Disclosure and Barring Service (DBS)**. For further details visit their website: <https://www.gov.uk/request-copy-criminal-record>~~Disclosure Scotland. For further details call their helpline number 0870 609 6006, or visit the website~~ <http://www.disclosurescotland.co.uk/>
 - Where an applicant provides evidence that they have an Operating Licence and as a result have undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required.
 - Where an applicant is a company or organisation and does not hold an Operating Licence, then the proposed Manager responsible for the day to day running of the premises will be required to produce a criminal record disclosure check dated within one calendar month of the date of the application being submitted to the Licensing Authority.
 - When a permit holder appoints a new manager responsible for the day to day running of the premises, that person will be required to produce a criminal record disclosure check dated within one calendar month of the appointment date.

- ~~Disclosure Scotland. For further details call their helpline number 0870 609 6006, or visit the website <http://www.disclosurescotland.co.uk/>~~
- In the case of applications for an uFEC gaming machine permit evidence that the machines to be provided are or were supplied by a legitimate gambling machine supplier or manufacturer who holds a valid gaming machine technical operating licence issued by the Gambling Commission
- A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (ii) where any category D gaming machines are positioned and the particular type of machines to be provided (for example slot machines, penny-falls, cranes)
 - (iii) the positioning and types of any other amusement machines on the premises
 - (iv) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (v) the location of any ATM/cash machines or change machines
 - (vi) the location of any fixed or temporary structures such as columns or pillars
 - (vii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - (viii) the location of any public toilets in the building

Unless otherwise agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100. **In any circumstance where the premises is bordering or separated to an Adult Gaming Centre the licensing authority will expect submission of a Local Risk Assessment for both premises.**

1.8 **Protection of Children** ~~Child protection issues~~

- 1.8.1 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm **and to meet requirements for safeguarding**. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:
- maintain contact details for any local schools and or the education authority so that any truant children can be reported
 - employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
 - employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
 - maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
 - display posters displaying the 'Child Line' phone number in discreet locations on the premises **e.g. toilets**
 - maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends that require attention by the management of the premises.)
 - ensure all young children are accompanied by a responsible adult.
 - Maintain policies to deal with any young children who enter the premises unaccompanied **and for staff to report suspicious activities or incidents**

- The provision of satisfactory basic disclosure checks (criminal records checks) for all staff who will be working closely with children.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application. **The Licensing Authority encourages applicants for UFEC Permits to consider adopting BACTA's voluntary Code of Practice for Amusement with Prizes Machines in Family Entertainment Centres. This Code of Practice promotes awareness of social responsibility, and acknowledges that proactive specific and appropriate commitment will be given to educating children and young persons, thereby minimising the potential for harm.**

1.9 Protection of Vulnerable Persons Issues

1.9.1 The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

1.10 Other miscellaneous issues

1.10.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the exterior of the premises clean and tidy
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures e.g. training manuals or other similar documents/written statements should be attached to the application.

~~Applicants for Permits for Adult or Family Entertainment Centres (licensed or unlicensed) (formerly known as 'Amusement Arcades') are advised to speak to the Planning Service of this Council before making a formal application to the Licensing Service~~

~~The Planning Service can be contacted at Planning and Countryside Service, East Devon District Council, Council Offices, Knowle, Sidmouth, EX10 8HL – Tel. 01395 516554~~

2 Alcohol Licensed Premises Gaming Machine Permits – (Schedule 13 Paragraph 4(1))

2.1 Automatic Entitlement for two machines

There is provision in the Act for a premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises and that breaches a condition of section 282 of the Gambling Act has occurred (for example that written notice has not been provided to the licensing authority, that a fee has not been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has not been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises

The Licensing Authority will use its discretion to remove permits where appropriate taking into account individual circumstances considering a Code of Practice.

The premises must comply with the Code of Practice for gaming machines in clubs and premises with an alcohol licence issued by the Gambling Commission.

All gaming machines situated on the premises must be located in a place within the premises so that their use can be supervised, either by staff whose duties include such supervision (including bar or floor staff) or by other means.

2.2 Permit - three or more machines

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “other such matters as the Authority think relevant.” This licensing authority considers that “such matters” will be decided on a case-by-case basis. However generally there will be regard to the size of the premises in comparison to the number of machines sought and to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

2.3 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

2.4 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

2.5 It should also be noted that the holder of a permit to must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Applicants should be aware that only those premises which have a 'bar' (servery) at which alcohol is sold for consumption on the premises will be eligible for gambling machines in the bar area of the premises. This means that premises such as restaurants which do not have a bar for serving drinks or can only sell alcoholic drinks as an ancillary to food can not automatically qualify for two machines.

3 Prize Gaming Permits – Statement of Principles on Permits - (Schedule 14 Para 8 (3))

3.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

3.2 Statement of Principles

3.2.1 This licensing authority has adopted a Statement of Principles in accordance with paragraph 8 of Schedule 14 of the Act and they are for the purposes of clarifying the measures that the council will expect applicants to demonstrate when applying for a prize gaming permit. This will allow the council to better determine the suitability of the applicant and the premises for a permit.

3.2.2 Within this process the council will aim to grant the permit where the applicant is able to demonstrate that:

- they are a fit and proper person to hold the permit
- they have considered and are proposing suitable measures to promote
- the licensing objectives, and
- they have a legal right to occupy the premises to which the permit is sought.

3.2.3 This licensing authority will expect the applicant to set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

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

3.2.5 The measures suggested in this document should be read as guidance only and the council will be happy for applicants to suggest measures above and beyond those listed in the document and or to substitute measures as appropriate.

3.3 Prize gaming permits

- 3.3.1 Section 288 defines gaming as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The operator will determine the prizes before play commences. Prize gaming can often be seen at seaside resorts in amusement arcades where a form of bingo is offered and the prizes are displayed.
- 3.3.2 A prize gaming permit is a permit issued by the council to authorise the provision of facilities for gaming with prizes on specified premises.
- 3.3.3 Applicants should be aware of the conditions in the Gambling Act 2005 with which prize gaming permit holders must comply. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.
- 3.3.4 In line with the Act, while the council cannot attach conditions to this type of permit, the council can refuse applications if they are not satisfied that the issues raised in this “Statement of Principles” have been addressed through the application.

3.4 Supporting documents

3.4.1 The council will require the following supporting documents to be served with all prize gaming permit applications:

- proof of age (a certified copy or sight of an original birth certificate, photo style driving licence, or passport – all applicants for these permits must be aged 18 or over)
- proof that the applicant has the right to occupy the premises. Acceptable evidence would be a copy of any lease, a copy of the property's deeds or a similar document
- the result of a criminal records basic disclosure [criminal conviction certificate] (the disclosure must have been issued within the previous month). This will be used to check that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act.) – **Basic** Disclosures can be obtained from **the Disclosure and Barring Service (DBS)**. For further details visit their website: <https://www.gov.uk/request-copy-criminal-record> **Disclosure Scotland**. ~~For further details call their helpline number 0870 609 6006, or visit the website <http://www.disclosurescotland.co.uk/>.~~
- A plan of the premises for which the permit is sought showing the following items:
 - (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways
 - (iii) The location where any prize gaming will take place (including any seating and tables) and the area where any prizes will be displayed
 - (iv) the positioning and types of any other amusement machines on the premises
 - (v) the location of any fixed or semi-fixed counters, booths or offices on the premises whereby staff monitor the customer floor area
 - (vi) the location of any ATM/cash machines or change machines
 - (vii) the location of any fixed or temporary structures such as columns or pillars
 - (viii) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
 - (ix) the location of any public toilets in the building

Unless otherwise agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

3.5 Protection of Children ~~Child protection issues~~

3.5.1 The council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The council will assess these policies and procedures on their merits, and they should (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- maintain contact details for any local schools and or the education authority so that any truant children can be reported
- employ policies to address the problems associated with truant children who may attempt to gain access to the premises and gamble when they should be at school
- employ policies to address any problems that may arise during seasonal periods where children may frequent the premises in greater numbers, such as half terms and summer holidays
- maintain information at the premises of the term times of any local schools in the vicinity of the premises and also consider policies to ensure sufficient staffing levels during these times
- display posters displaying the 'Child Line' phone number in discreet locations on the premises e.g. toilets

- maintain an incident register of any problems that arise on the premises related to children such as children gambling excessively, truant children, children being unruly or young unaccompanied children entering the premises. (The register should be used to detect any trends which require attention by the management of the premises.)
- ensure all young children are accompanied by a responsible adult.
- Maintain policies to deal with any young children who enter the premises unaccompanied
- The provision of satisfactory basic disclosure checks (criminal records checks) for all staff that will be working closely with children.

NB: Any supporting evidence of the above measures – for example training manuals or other similar documents/written statements should be attached to the application.

3.6 **Protection of Vulnerable Persons Issues**

3.6.1 The council will expect the applicant to show that there are policies and procedures in place to protect vulnerable persons. Applicants should refer to the section in the council's 'Statement of Licensing Policy under the Gambling Act 2005' to familiarise themselves with who the council considers vulnerable. The council will assess these policies and procedures on their merits, however, they may (depending on the particular permit being applied for) include appropriate measures / training for staff relating to the following:

- display Gamcare helpline stickers on all gaming machines
- display Gamcare posters in prominent locations on the premises
- training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (for example how long) customers are gambling, as part of measures to detect persons who may be vulnerable
- consider appropriate positioning of ATM and change machines. (including the display of Gamcare stickers on any such machines.)

NB: Any supporting evidence of the above measures – for example training manuals or other similar documents/written statements should be attached to the application.

3.7 **Other miscellaneous issues**

3.7.1 The applicant should also be mindful of the following possible control measures (depending on the particular permit being applied for) to minimise crime and disorder and the possibility of public nuisance:

- maintain an effective CCTV system to monitor the interior and exterior of the premises
- keep the exterior of the premises clean and tidy
- ensure that external lighting is suitably positioned and operated so as not to cause nuisance to neighbouring or adjoining premises
- consider the design and layout of the outside of the premises to deter the congregation of children and youths.

NB: Any supporting evidence of the above measures – for example training manuals or other similar documents/written statements should be attached to the application.

4 Club Gaming and Club Gaming Machine Permits

- 4.1 Members' clubs may apply for a Club Gaming Permit or a Club Gaming Machine Permit. The **Club Gaming Permit** will enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D), equal chance gaming and games of chance as prescribed in regulations, namely pontoon and chemin de fer. This is in addition to the exempt gaming authorised under section 269 of the Act. Alternatively a member's club (but not commercial clubs) can apply for a **Club Gaming Machine Permit** which will only enable the premises to provide gaming machines (3 machines of categories B3A or B4, C or D).
- 4.2 Commercial clubs are not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act) which means that they should only apply for a Club Gaming Machine Permit. However they are not able to site category B3A gaming machines offering lottery games in their club.
- 4.3 Clubs which hold a club premises certificate under section 72 of the Licensing Act 2003 are exempt from the stricter vetting process that apply for the normal application for Club Gaming and Club Machine Permits. Under this fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the police, and the grounds upon which an authority can refuse a permit are reduced. This is because the club or institute will already have been through a licensing process in relation to its club premises certificate under the 2003 Act, and it is therefore unnecessary to impose the full requirements of Schedule 12. Commercial clubs cannot hold club premises certificates under the Licensing Act 2003 and so cannot use the fast-track procedure.
- 4.4 With the exception of clubs that hold club premises certificates under section 72 of the Licensing Act 2003 the Licensing Authority will need to satisfy itself that the club meets the requirements of the Gambling Act 2005 to hold a club gaming permit or a club gaming machine permit. In order to do this, it will require proof of additional information from the operator, for example:
- Is there a list of committee members and evidence of their election by club members?
 - Are there minutes of previous meetings (where appropriate)?
 - Is the primary activity of the club something other than gaming?
 - Are the club's profits retained solely for the benefit of the club's members?
 - Are there 25 or more members?
 - Are the addresses of members of the club genuine domestic addresses and do most members live reasonably locally to the club?
 - Do members participate in the activities of the club via the internet?
 - Do guest arrangements link each guest to a member?
 - Is the 48 hour rule being applied for membership and being granted admission being adhered to (**the 48 hour rule not being applicable for commercial clubs**)?
 - Are there annual club accounts available for more than one year?
 - How is the club advertised and listed in directories and on the internet?
 - Are children permitted in the club?
 - Does the club have a constitution and can it provide evidence that the constitution was approved by members of the club at an annual or special general meeting?
- 4.5 When examining the club's constitution, the Licensing Authority would expect to see evidence of the following:
- Who makes commercial decisions on behalf of the club?
 - Are the aims of the club set out in the constitution?

- Are there shareholders or members? Shareholders indicate a business venture rather than a non-profit making club.
- Is the club permanently established? (Clubs cannot be temporary).
- Are there suitable rules as to the election and admission to the club of new members?
- What is the usual duration of membership?
- Can people join with a temporary membership? What is the usual duration of membership?
- Are there long term club membership benefits?
- Is there a provision for annual general meetings?
- Is there a provision for the election of officers?

4.6 Aside from bridge and whist clubs, clubs may not be established wholly or mainly for the purposes of gaming. The Licensing Authority will consider such factors as:

- How many nights a week gaming is provided;
- How the gaming is advertised;
- What stakes and prizes are offered;
- Whether there is evidence of leagues with weekly, monthly or annual winners;
- Whether there is evidence of members who do not participate in gaming;
- Whether there are teaching sessions to promote gaming such as poker;
- Where there is a tie-in with other clubs offering gaming through tournaments and leagues;
- Whether there is sponsorship by gaming organisations;
- Whether participation fees are within limits.

4.7 Supporting documents

4.7.1 In order for the Licensing Authority to satisfy itself that the club meets the requirements of the Gambling Act 2005 as described in paragraphs 4.4 to 4.6 to hold a club gaming permit or a club gaming machine permit the applicant/club will be expected to supply documentation that includes evidence that the club has elected officers, minutes of meetings and particularly those of annual general meetings. The documentation will include where appropriate:

- A copy of the club's constitution and a copy of the general/annual meeting that agreed the constitution.
- In the case of a club formed within the past two years a copy of the minutes of the inauguration meeting and minutes of any subsequent general or annual general meetings.
- Where the club has existed for more than two years a copy of the minutes of the last two annual general meetings and general meetings held during the previous two years.
- A full copy of the club's list of members including their addresses.
- A list of committee members and their positions within the club.
- A copy of the club's accounts for the last two years. Where a club is unable to provide this information because it has only recently been formed the Licensing Authority will expect an appropriate set of accounts for the time the club has been in operation.

4.7.2 The Licensing Authority will require a plan of the premises for which the permit is sought to be served with all club gaming and club gaming machine permit applications. The plan should show the following items:

- (i) the boundary of the building with any external or internal walls, entrances and exits to the building and any internal doorways

- (ii) where any gaming machines are positioned and the particular type of machines to be provided
- (iii) the positioning and types of any other amusement machines on the premises
- (iv) the location of any ATM/cash machines or change machines
- (v) the location of any fixed or temporary structures such as columns, pillars or serveries
- (vi) the location and height of any stages in the premises; any steps, stairs, elevators, balconies or lifts in the premises
- (vii) the location of any public toilets in the building

Unless otherwise agreed with the council, the plan should be drawn to a standard scale with a key showing the items mentioned above. The standard scale is 1:100.

- 4.8 Many applications are dealt with by delegated authority to officers however should it be necessary for an application for a permit to be determined by a Sub Committee of the Licensing and Enforcement Committee members will expect to be able to speak to and or question the club on aspects of its operation. To that end it will be expected that an officer of the club would attend and be prepared to answer questions at any meeting arranged to determine the application.
- 4.9 Licensing authorities may only refuse an application on the grounds that:
- (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.
- 4.10 In the case of the 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10 and paragraph 25.43 25.41 of the GC Guidance) there is no opportunity for objections to be made by the Gambling Commission or the police, and the ground upon which an authority can refuse a permit are reduced:
- (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."
- 4.11 The Licensing Authority will expect the holders of club gaming or club gaming machine permits when applying to vary them to comply with all the relevant requirements set out in this section as if the application was for a new permit.
- 4.12 There are statutory conditions on club gaming permits that no child uses a category B3A or B4 or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

5 Temporary Use Notices

- 5.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 5.2 This licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 5.3 The Secretary of State has the power to determine what form of gambling can be authorised by temporary use notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Act (Temporary Use Notices) Regulations 2007) state that temporary use notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.
- 5.4 There are a number of statutory limits as regards temporary use notices. "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of the Gambling Commissions Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".
- 5.5 In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.
- 5.6 This licensing authorities expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

6 Occasional Use Notices

- 6.1 Occasional use notices enable betting on a track for up to eight days a year without a premises licence
- 6.2 The licensing authority has very little discretion regarding these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will consider the definition of a 'track' and whether the applicant is permitted to serve the notice.
- 6.3 [Further advice is available from the Gambling Commission's website at www.gamblingcommission.gov.uk/Occasional-Use-Notices-OUNs.aspx](http://www.gamblingcommission.gov.uk/Occasional-Use-Notices-OUNs.aspx)

7 Small Society Lotteries

- 7.1 Under the Act, a lottery is unlawful unless it runs with an operating licence or is an exempt lottery. The Licensing Authority will register and administer small society lotteries (as defined). Promoting or facilitating a lottery will fall within 2 categories:
- licensed lotteries (requiring an operating licence from the Gambling Commission);
 - and

- exempt lotteries (including small society lotteries registered by the Licensing Authority)
- 7.2 Exempt lotteries are lotteries permitted to run without a licence from the Gambling Commission and these are:
- small society lotteries;
 - incidental non-commercial lotteries;
 - private lotteries;
 - private society lotteries;
 - work lotteries;
 - residents' lotteries;
 - customer lotteries;
- 7.3 East Devon District Council will register and administer small society lotteries as defined under the Act. Advice regarding small society lotteries and the definitions of the above exempt lotteries is available from the Gambling Commission website: www.gamblingcommission.gov.uk/Small-society-lotteries.aspx
- 7.4 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:
- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
 - submission of incomplete or incorrect returns;
 - breaches of the limits for small society lotteries.

8 Vessels

- 8.1 The licensing authority when considering applications for premises licences in respect of vessels **normally berthed in East Devon** will give particular weight to the views of the Maritime and Coastguard Agency in respect of promoting the licensing objectives. Where in the opinion of the licensing authority any of the three objectives are undermined, and this cannot be resolved through the imposition of conditions, the application will be refused.

~~Where a premises licence is sought in connection with a vessel which will be navigated whilst licensable activities take place, the licensing authority will be concerned following the receipt of relevant representations, with the promotion of the licensing objectives on-board the vessel. The licensing authority will not focus on matters relating to safe navigation or operation of the vessel, the general safety of passengers or emergency provisions, all of which are subject to regulations which must be met before the vessel is issued with a Passenger Certificate and Safety Management Certificate. It is expected that if the Maritime and Coastguard Agency is satisfied that the vessel complies with Merchant Shipping standards for a passenger ship, the premises will normally be accepted as meeting the public safety objectives. In respect of other public safety aspects, representations made to the licensing authority by the Maritime and Coastguard Agency will be given particular weight.~~

Relevant Authorities' Contact Details

Responsible Authority Contacts -

The list of Responsible Authorities and their contact details may change where additional responsible authorities are designated by regulations from the Secretary of State or existing Responsible Authorities change their address (last updated 09.2015).

An up to date list of Responsible Authorities relating to East Devon with their contact details can be obtained by accessing the East Devon District Council's Licensing pages on the Council's website or by request to the Council's Licensing Office by emailing licensing@eastdevon.gov.uk or telephoning 01395 517411.

East Devon Licensing Authority

The Licensing Manger
East Devon District Council
Knowle
Sidmouth
EX10 8HL

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Devon & Cornwall Police

Licensing Department (~~East~~)
Devon & Cornwall Constabulary
Launceston Police Station ~~Police-HQ~~
Moorland Road ~~Middlemoor~~
Launceston ~~EXETER~~
PL15 7HY ~~Devon~~

Devon and Somerset Fire & Rescue Service

East Devon Group Business Safety

Middlemoor Fire Station
Sidmouth Road
EXETER
EX2 7AP

Area Child Protection Committee and Local Safeguarding Children Board

CP Checks
MASH
PO BOX 723
Exeter
EX1 9QS

Environmental Health (Environmental Health and Parking Services Manager)

(Nuisance, Public Health & Health & Safety)
East Devon District Council
Environmental Health Service

Council Offices
Knowle
SIDMOUTH
EX10 8HL

Head of Planning

East Devon District Council
Planning & Countryside Service
Council Offices
Knowle
SIDMOUTH
EX10 8HL

HM Customs and Excise

HM Revenue and Customs
Excise Processing Teams
BX9 1GL

**Additional Responsible Authority Contacts for vessels –
Maritime and Coastguard Agency**

(For attention of Mr Tony Heslop)
Plymouth Marine Office
Western Region
New Fish Market,
Fish Quay
PLYMOUTH
PL4 0LH

Glossary of Terms

DCMS - Department of Culture, Media, and Sport

An Interested Party – is a person, in the opinion of the Licensing Authority who:

- 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).

Responsible Authority –

- (i) The Licensing Authority
- (ii) The Gambling Commissioner
- (iii) Devon & Cornwall Police
- (iv) The Devon and Somerset Fire & Rescue Service
- (v) The local planning authority within the meaning given by the Town and Country Planning act 1990 (c.8) for any area in which the premises are wholly or partly situated
- (vi) The local authority by which statutory functions are exercisable in any area in which the premises are wholly or partly situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health
- (vi) A body which is designated in writing for the purpose of this paragraph, by the licensing authority for an area in which the premises are wholly or partly situated , as competent to advise the authority about the protection of children from harm:
- (vii) And any other person prescribed by regulations by the Secretary of State.

The following comprises a glossary of terminology used within the statement of licensing principles. Terms defined within the statement itself, or at length in the Gambling Act 2005, have not been included.

- Adult Gaming Centre**
A premises where the provision of Category B, C and D gaming machine facilities for adult customers is authorised by the Licensing Authority.
- (Alcohol) Licensed Premises Gaming Machine Permit
Permit issued by Licensing Authority allowing more than two Category C or D gaming machines to be used on Alcohol-licensed premises
- Betting Machine**
A machine that accepts bets on live events, such as horse racing, as a substitute for placing bets over the counter.
- Betting Premises**
Premises where the provision of betting facilities is authorised by the Licensing Authority.
- Bingo Premises**
Premises authorised by the Licensing Authority where bingo, either cash or prize bingo, may take place.
- Casino Premises**

Premises authorised by the Licensing Authority where persons are given an opportunity to participate in casino games i.e. games of chance, which are not equal chance gaming.

- Children**
Means individuals who are less than 16 years old.
- Club Gaming Permit**
Permit issued by the Licensing Authority that authorises the provision of games of chance and gaming machines on premises from which a members club operates.
- Club Machine Permit**
Permit issued by the Licensing Authority which authorises a club to have up to three gaming machines on the premises.
- Family Entertainment Centre**
Premises where the provision of Category C and D gaming machines is authorised by the Licensing Authority.
- Gambling Commission**
The body which regulate all commercial gambling in Great Britain.
- Gaming Machine**
A machine that is designed or adapted for use by people to gamble. Such machines are classified in 4 categories, A, B, C and D. Category D has the lowest level of charge and prizes, whilst the other categories increase in value up to Category A, which has no limits to charges or prizes.
- Gaming Machine Permit**
Permit issued by the Licensing Authority regulating the operation of gambling machines.
- Licensing and Enforcement Committee**
The committee that has been established by the Licensing Authority to discharge its licensing functions under the Gambling Act 2005.
- Licensing Manager**
The Officer appointed by the Licensing Authority to carry out functions and duties delegated by the Licensing Authority.
- Operator**
The holder of a licence issued by the Gambling Commission or a Licensing Authority, being an individual or company which provides facilities for certain types of gambling.
- Personal Licence**
A licence issued to an individual by the Gambling Commission, authorising the holder to perform a specified management office or specified operational function in connection with the provision of facilities for gambling.
- Premises Licence**
A licence issued by the Licensing Authority that authorises the provision of gambling facilities on specified premises.
- Prize Gaming**

Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming.

- ❑ **Prize Gaming Permit**
A permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- ❑ **Provisional Statement**
An authorisation issued by the Licensing Authority where the applicant expects premises to be constructed or altered in accordance with plans submitted, or expects to acquire a right to occupy the premises.
- ❑ **Regulators Code**
Code of practice issued by the Government to ensure that regulatory best practice is adopted and carried out by regulators.
- ❑ **Relevant Representation**
A representation received from a responsible authority or an interested party that relates to the licensing objectives, or that raises issues under this statement, the Gambling Commission's Guidance or codes of practice.
- ❑ **Remote Gambling**
Defined by the Gambling Act 2005 as gambling in which persons participate by the use of remote communication including the internet, telephone, television, radio or any other kind of electronic or other technology for facilitating communication.
- ❑ **Remote Operating Licence**
Issued by the Gambling Commission to individuals or companies running a gambling service through remote communication (including online gambling) and any part of your remote equipment is based in Great Britain or where remote equipment is based outside Great Britain and you advertise remote gambling to consumers in Britain through a British-facing business.
- ❑ **Review**
The process by which a Licensing Authority may, either of its own volition or on the request of a third party, determine whether any action should be taken in relation to the operation of a premises licence.
- ❑ **Temporary Use Notice**
A notice which permits the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.
- ❑ **Track**
Sites (such as a horse racecourse or dog track) where races or other sporting events take place.
- ❑ **Young Person**
Means individuals who are aged less than 18 years old and 16 years and over

GAMING MACHINES – CATEGORIES AND ENTITLEMENT

The summary of gaming machine categories and entitlements can be found on the Gambling Commission's website online at www.gamblingcommission.gov.uk/for-licensing-authorities/GLA/Appendix-B-Summary-of-gaming-machine-categories-and-entitlements.aspx

SUMMARY OF GAMING ENTITLEMENTS FOR PUBS AND CLUBS

Premises Gaming	Members' Club with club gaming permit	Bridge or Whist Club	Members' club or commercial club with club machine permit	Members' Club, commercial club without club gaming permit	Pubs and other alcohol-licensed premise
Equal chance gaming	Yes	Bridge and/or whist only	Yes	Yes	Yes
Limits on Stakes	No limit	No limit	<u>Poker</u> £1000 per wk £250 per day £10 per person per game <u>Other Gaming</u> No limit	<u>Poker</u> £1000 per wk £250 per day £10 per person per game <u>Other Gaming</u> No limit	<u>Cribbage and Dominoes</u> No limit <u>Poker</u> £5 per player per game subject to maximum aggregate of £100 per premises per day <u>Other Gaming</u> No limit
Limits on Prizes	No limit	No limit	<u>Poker</u> £250 per game <u>Other Gaming</u> No limit	<u>Poker</u> £250 per game <u>Other Gaming</u> No limit	<u>Poker</u> £100 per game <u>Other Gaming</u> No limit
Maximum participation on fees – per person per day	<u>Bridge and/or Whist</u> £20 <u>Other Gaming</u> £3	£18 (without club gaming permit) £20 (with club gaming permit)	<u>Bridge and/or Whist*</u> £18 <u>Other Gaming</u> £3 (commercial club) £1 (members' club)	<u>Bridge and/or Whist*</u> £18 <u>Other Gaming</u> £1	None permitted
Banker or unequal chance gaming	Pontoon Chemin de Fer	None Permitted	None permitted	None Permitted	None permitted
Limits on bingo	Maximum £2,000 per week in stakes/prizes. If more, then Operating Licence required	No bingo permitted	Maximum £2,000 per week in stakes/prizes. If more, then Operating Licence required	Maximum £2,000 per week in stakes/prizes. If more, then Operating Licence required	Maximum £2,000 per week in stakes/prizes. If more, then Operating Licence required

*On a day when no other facilities for gaming are provided

SAFEGUARDING CHILDREN AND VULNERABLE ADULTS

East Devon District Council along with other districts across Devon have produced and adopted a joint safeguarding policy designed to protect children and vulnerable adults. Safeguarding is a statutory responsibility placed on this and all councils. This council is committed to tackle child sexual exploitation and trafficking by working together with key partners.

It is important to ensure that functions are discharged with regard to safeguarding and promoting the welfare of children. The joint safeguarding policy states in relation to councils that it is our responsibility under the Children Act 2004, which places a duty on public bodies, including district councils to ensure that our functions are discharged with regard to the need to safeguard and promote the welfare of children.

Devon District Councils believe that all children, young people and adults have the right to be safe, happy and healthy and deserve protection from abuse. The councils are committed to safeguarding from harm all children, young people and adults with care and support needs using any council services and involved in any of their activities, and to treat them with respect during their dealings with the councils, our partners and contractors.

How gambling premises licence, permit holders and their employees can support Safeguarding

Gambling establishment licence and permit holders and their employees are in a good position to help identify those subject of or at risk of sexual exploitation because, through the operation of certain gambling activities, licence and permit holders and their employees regularly come into contact with children, young and vulnerable people. This means that licence and permit holders and their employees are in an ideal position to help protect young and vulnerable people.

Operators, licence and permit holders and their employees should consider and have regard safeguarding measures particularly when encountering young and vulnerable people in gambling premises by establishing:

- Do any customers appear to be under 18 years old?
- Are they with a much older person and appear to be in a relationship?
- Do they appear are under the influence of alcohol or drugs?
- Are children/young people being brought regularly to your premises by older people? If so, ask yourself why?

The provision of staff training, awareness or development opportunities should be a consideration to improve their knowledge of skills in this area.

Operators, licence and permit holders and their employees with any reason to suspect a person is being abused or at risk of abuse now has a responsibility to report those concerns.

Information may be shared in confidence with Devon and Cornwall Police (by telephone: 101 or email: 101@dc.police.uk) and Devon Safeguarding Children Partnership (by telephone: 0345 155 1071 or emergency out of hours 0345 600 0388).

Report to: **Licensing and Enforcement Committee**

Date of Meeting: 21 November 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 8

Subject: **Licensing Act 2003 – To seek approval to revise the current Licensing Policy**

Purpose of report: This report updates the Licensing & Enforcement Committee on the proposed revision to Section 5.5 of the current Licensing Policy.

Recommendation: **That the Licensing and Enforcement Committee:**

- 1. Adopt the revised Licensing Policy relating to the Licensing Act 2003 regarding Section 5.5 for inclusion of Safety Advisory Group (SAG) arrangements for large scale events, and**
- 2. Recommend to Council at its meeting on 12 December 2018 to adopt the revised Licensing Act 2003 Policy**

Reason for recommendation: It is a legal requirement of the Act for the Council to determine a Licensing Policy to provide a framework for all licence applications regarding the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment. This policy was adopted in 2015 when the council's Safety Advisory Group was not in existence. The revision addresses current safety planning arrangements in 2018.

Officer: Steve Saunders, Licensing Manager.
To be completed by Finance.

Financial implications:

Legal implications: The amendment to the Licensing Policy reflects the importance the Licensing Authority places on event organisers to consider all safety planning arrangements for large scale event planning. The continual review of the licensing policy is important to reflect how the Licensing Authority will work with licensees ensuring compliance with the requirements of the Licensing Act.

Equalities impact: Low Impact

Risk: Low Risk

Links to background information: **Appendices:**

Appendix A - Draft Section 5.5 of Licensing Policy for adoption

Background Papers:

- Licensing Act 2003
- Guidance issued by the Home Office under Section 182 of the Licensing Act 2003 – March 2015 Edition

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place

1 Background

- 1.1 Under the Licensing Act 2003, it is the responsibility of the Council to develop and publish a Statement of Licensing Policy. The published Policy provides the framework for all decisions on applications relating to the Licensing Act 2003 and the way the Authority carries out its functions in relation to the legislation. Council adopted the current Policy on 7 January 2016.
- 1.2 The Licensing Policy sets out the authority's general approach to licence applications and the way it carries out its functions in relation to the legislation. Since the policy was adopted this Council has introduced and chairs meetings of the Safety Advisory Group (SAG) being a fundamental core of authorities around which the safety planning of public events can be considered. The main role of the SAG is to provide specialist advice to event organisers and to help the Council discharge its functions on public events legislation, including licensing matters.
- 1.3 Section 5.5 of the policy titled "Large Scale Public Events" has changed with regard to arrangements that were applicable in 2016 for general guidance to event organisers preparing and submitting licence applications for large scale outdoor events. The introduction of SAG arrangements has changed that approach with new applications for large scale outdoor events being referred to the Safety Advisory Group.
- 1.4 The Licensing Process under the policy in 2016 also referred to applicants having 30 minute pre-application meetings with licensing officers. That arrangement that no longer exists and has been replaced by event organisers attending meetings of the Safety Advisory Group.
- 1.5 The full Licensing Policy will be reviewed in 2020 prior to adopting it for a further five years in 2021. The proposed change in Section 5.5 introducing the SAG should not be left for another two years in order to ensure safe planning and delivery of future events in the district.
- 1.5 The main changes to the policy are only relevant to Section 5.5 and the additions are shown in red font or redacted accordingly, attached as **Appendix A**.
- 1.6 The need for consultation is not necessary as the full policy is not due for review until 2020 when a consultation will occur regarding all sections of the policy. This proposed amendment to the Licensing Policy concerns changes in procedural arrangements as a result of the introducing the Safety Advisory Group in East Devon and reflects current procedures.

2 Conclusions

- 2.1 The proposed change in Section 5.5 of the Licensing Policy is necessary to bring the policy up to date with procedures that are in place and to ensure safety planning arrangements during the remaining lifetime of the policy prior through to its full review in 2020.

2.2 If approved today, the changes to the Licensing Policy should be adopted at full Council meeting on 12 December 2018.

5. The Licensing Process

5.5 Large Scale Public Events

5.5.1 The Council recommends that organisers of large scale public events (for example outdoor music concerts, beer festivals etc) consult the licensing authority, Police Licensing Officer and the Council's Environmental Health Team at the earliest opportunity to discuss arrangements for the licensing of those activities falling under the Act. **This is important as it will assist with measures that organisers need to put in place to plan the event, which licences to apply for, and will give an idea of how long the application may take, depending on the size and type of event.**

~~5.5.2 The licensing authority will normally offer applicants the opportunity to book a 30 minute appointment at the Council Offices to discuss/consult with a licensing officer.~~ **East Devon District Council hosts a Safety Advisory Group (SAG) for the district and organisers of large or high risk events (i.e. over 500 or more attendees, or including high risk activities such as fireworks, moving vehicles, water based activities, etc) are advised to contact the Group co-ordinator well in advance of each event to benefit from the advice and guidance of all the regulatory authorities represented. A Safety Advisory Group (SAG) should be consulted in order to consider any safety issues related to an event being proposed.**

~~5.5.3 The licensing authority will also offer to organise a pre-application meeting to include relevant local authorities in order that the applicant can receive advice and the opportunity to discuss their proposed application prior to submission.~~ The application may involve the preparation of a substantial operating schedule which may take some time to complete so applicants should ensure that they approach the licensing authority well in advance of any such event. **The event organiser must produce an event plan and incorporate an operating schedule, risk assessments and address any safety issues before the council will allow use of its land for large scale events.**

5.5.4 **For large scale events that are occasional in nature and where the maximum number of attendees exceeds 499 people, the licensing authority will expect require an application for a full time-limited premises licence. A separate application will be required for each individual event regardless of whether the event occurs annually or on more than one occasion in any year.** This will allow the Responsible Authorities and members of the public the opportunity to consider **each** an application in light of previous events held. **Responsible Authorities and Interested Parties should be have the opportunity to make representations relevant to the nature of the event which is planned. Large scale events have significant potential to undermine the promotion of the licensing objectives, due to their size, complexity and the potential implications for planning such events. Risks can be adequately mitigated by the submission of an up to date, relevant, detailed and complete operating schedule specific to the proposed event on each separate occasion.**

Report to: **Licensing and Enforcement Committee**

Date of Meeting: 21 November 2018

Public Document: Yes

Exemption: None



Agenda item: 9

Subject: **To recommend to Council at its meeting on 12 December 2018 to adopt the Taxi Policy, following approval by the Licensing and Enforcement Committee on 22 August 2018 to revise the policy, namely**

- a) To remove the current requirement for Private Hire Vehicles licensed by East Devon District Council to work predominantly within the district and**
- b) To revise an internet website link to the Equality Act 2010**
- c) To revise the access options for Wheelchair Access Vehicles (WAVs).**

Purpose of report: To complete the constitutional process of approval and adoption of the revised Taxi Policy by Council on 12 December 2018.

Recommendation: **To recommend to Council meeting on 12 December 2018 to adopt the revised Taxi Policy following approval given by the Licensing and Enforcement Committee on 22 August 2018.**

Reason for recommendation: To conclude the process of changes to the Taxi Policy inline after approval was granted by the Licensing and Enforcement Committee.

Officer: Steve Saunders, Licensing Manager

Financial implications: None

Legal implications: The legal implications are explained within the body of the report. The proposed change to the Taxi Licensing Policy for PHV operation being predominantly within the District is in line with developing case law

Equalities impact: Low Impact

Risk: Low Risk

Appendices:
Appendix A – Previous Report to Licensing and Enforcement Committee 22 August 2018
Appendix B – Amendments made to the Taxi Policy

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place

1 Background

1.1 At the meeting of the Licensing and Enforcement Committee on 22 August 2018 approval was given to adopt revisions to the Taxi Policy, namely

- a) To remove the current requirement for Private Hire Vehicles licensed by East Devon District Council to work predominantly within the district and
 - b) To revise an internet website link to the Equality Act 2010
 - c) To revise the access options for Wheelchair Access Vehicles (WAVs).
- 1.2 Changes to the Taxi Policy that are approved by the Licensing and Enforcement Committee must be recommended to full Council, being the procedure to formally adopt that policy.
- 1.3 The recommendation submitted in this report is therefore to conclude the administrative procedure by recommending to Council that the changes are adopted.
- 1.4 The approved changes to the taxi policy will commence from 12 December 2018.
- 1.5 The previous report submitted to the Licensing and Enforcement Committee on 22 August 2018 providing the reasons and the changes is provided as **Appendix A** together with the wording of those changes at **Appendix B**.

APPENDIX A

Licensing and Enforcement Committee



Date of Meeting: 22 August 2018
Public Document: Yes
Exemption: None

Agenda item: To be completed by Democratic Services.

Subject: **Taxi Licensing Policy – To seek approval to revise the policy on points of relevance, namely**

- I. To remove the current requirement for Private Hire Vehicles licensed by East Devon District Council to work predominantly within the district and**
- II. To revise an internet website link to the Equality Act 2010**
- III. To revise the access options for Wheelchair Access Vehicles (WAVs).**

Purpose of report: To revise the current taxi policy in line with recent legal updates to remove the requirement for Private Hire Vehicles to work predominantly in the district where licensed and to update a website link.

Recommendation: **From 22 August 2018 that the Committee adopts changes to the current taxi policy ;**

- a. To remove the requirement for Private Hire Vehicles licensed in East Devon to operate predominantly within the district.**
- b. To amend the internet website link to relevant legislation regarding the Equality Act 2010.**
- c. To amend the points of access for those vehicles licensed as Wheelchair Access Vehicles**

Reason for recommendation: To revise existing taxi policy inline with a recent legislative, administrative and trade requirements.

Officer: Steve Saunders, Licensing Manager, Ext. 2787,
ssaunders@eastdevon.gov.uk

Financial implications: None

Legal implications: The legal implications are explained within the body of the report. The proposed change to the Taxi Licensing Policy for PHV operation being predominantly within the District is in line with developing case law

Equalities impact: Low Impact

Risk: Low Risk

Appendices:

None

Background Papers:

Link to Council Plan: Living in, working in, enjoying and funding this outstanding place

1 Background

- 1.1 The licensing of hackney carriage drivers is the responsibility of the council and is governed mainly by legislation under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 A Hackney Carriage and Private Hire Licensing Policy is not a statutory policy. This means that there is no requirement for the Council to adopt one, although it is good practice to do so as it sets out the Council's approach to issuing licences and enforcement. Decisions made in accordance with the policy are more likely to be upheld in the event of an appeal. A good policy ensures consistency of approach by the council thus ensuring fairness and transparency for both the trade and public alike.
- 1.3 A comprehensive review was completed by this authority in 2016 to consolidate national and previous policy documents allowing the current Taxi Licensing Policy to be introduced in 2017. It was acknowledged that subsequent changes in legislation and national procedures occurring after the policy was adopted would require inclusion in the document.
- 1.4 The introduction of the current Taxi Licensing Policy required a full consultation over a period of eight weeks before being adopted. However legislative changes can occur on occasions that require policies to be revised accordingly. A previous change concerned nationally revised procedures such as the frequency of medical examinations for drivers under changes recommended by the Drivers Medical Unit at the DVLA in 2017. Changes in legislation or nationally recommended procedures from central government will not always require consultation through reasons of necessity to meet legal requirements.

2 Current Policy

- 2.1 Current taxi policy specifies that all hackney carriages and private hire vehicles licensed by the district council must operate in East Devon and principally work from or within the district area (Sec 11.1.8.1.). Whilst each application will be considered on its own merits, the Council will have regard to the geographic location of an applicant's home and business address.
- 2.2 The current policy (under Appendix O) provides a website link to allow the public and the taxi trade to view legislation concerning the Equality Act 2010 by going online http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1.
- 2.3 Current taxi policy specifies that all hackney carriages and private hire vehicles licensed by the district council under the requirements for Wheelchair Access Vehicles prevents rear loading wheelchair vehicles which are not permissible (Appendix L.2.2)

3 Proposed Policy change

- 3.1 When introducing the present taxi policy guidance was accepted from the High Court in its judgment, and declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008] that all hackney carriages and private hire vehicles licensed by the district council must operate in and principally work from or within the district. Hackney carriage vehicle licence holders and applicants will need to demonstrate that the majority of journeys will either start or end in East Devon.
- 3.2 A subsequent legal test to the intended use policy introduced by Knowsley Metropolitan Borough Council being specific to licenced private hire vehicles to operate predominantly within that geographic area was subject of judicial review in 2017. The legal review was

relevant only to intended working of private hire vehicles but not hackney carriages. The policy was opposed by Uber Britannia Limited and Delta Cars. They separately applied to judicially review the policy and the case was heard in the High Court in February 2018 where the council's policy and case was quashed.

- 3.3 It is therefore proposed that this council's current taxi policy should be revised following the High Court ruling to remove the requirement that private hire vehicles licensed by East Devon should operate predominantly in the council area where licensed. It is proposed that the policy is to remain unchanged regarding Hackney carriages for which vehicle licence holders and applicants need to demonstrate that the majority of journeys will either start or end in East Devon.
- 3.4 It is also proposed that the current policy (under Appendix O) be revised to update the website link to view legislation concerning the Equality Act 2010 which is no longer relevant or searchable in the current policy to replace the updated website link to <https://www.legislation.gov.uk/ukpga/2010/15/contents>
- 3.5 It is further proposed to change the access requirements for the current taxi policy that currently specifies all hackney carriages and private hire vehicles licensed under requirements as Wheelchair Access Vehicles prevents rear loading of wheelchairs and, subject to the manufacturers design and construction, rear loading wheelchair vehicles are permissible (Appendix L.2 2.3). This request has been raised by licence holders.
- 3.6 The revision if approved would provide the wording "Suitable ramps must be available to assist in loading a wheelchair into the vehicle from the near side or rear of the vehicle. Rear loading wheelchair vehicles are permissible.
- 3.6 The proposed changes are not regarded necessary for wider consultation although this will always be a consideration for the licensing authority when considering changes. The removal of local working for private hire vehicles is a legislative change, the revision of the website address is an administrative change and the revision of access to wheelchair access vehicles supports licence holders and the trade when seeking to provide such vehicles rather than restricting vehicles solely to side access. The wording of proposed changes in policy can be found in **Appendix A**.
- 3.7 Should members consider approving the revisions to the current taxi policy it would be the case that the changes commence from today 22 August 2018.

Statement of Licensing Policy
Hackney Carriages, Private Hire Vehicles, Drivers and Private Hire
Operators

11. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCES

11.1.8. Out of area working

11.1.8.1 Following the guidance given by the High Court in its judgment, and the declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008] all hackney carriages ~~and private hire vehicles~~ licensed by the district Council must operate in East Devon and principally work from or within the district. **Hackney carriage** vehicle licence holders and applicants will need to demonstrate that the majority of journeys will either start or end in East Devon.

Appendix O

Equality Act 2010 – Taxis and Private Hire Vehicles

The Equality Act 2010 can be viewed at

http://www.opsi.gov.uk/acts/acts2010/ukpga_20100015_en_1

[to be replaced by]

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

2 Additional Requirements for Wheelchair Accessible Vehicles

Appendix L.2 2.3) Wheelchair Access Vehicle Conditions

“Suitable ramps must be available to assist in loading a wheelchair into the vehicle from the near side **or rear** of the vehicle. Rear loading wheelchair vehicles are ~~not~~ permissible.

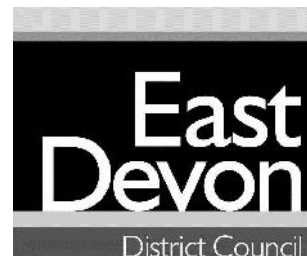
Report to: **Licensing and Enforcement Committee**

Date of Meeting: 21st November 2018

Public Document: Yes

Exemption: None

Review date for release None



Agenda item: 10

Subject: **The Animal Welfare (Licensing of Activities involving Animals)(England)Regulations 2018**

Purpose of report: To advise Licensing and Enforcement Committee of the new regulations which apply to animal boarding premises, performing animals, pet sales and riding establishments. Also to seek adoption of the new conditions to be applied to each type of establishment, and the revised enforcement strategy including delegating authority to suspend licences to the Service Lead, Environmental Health and Car Parks. Responsibility for licensing and regulating these activities lies within the Environmental Health team.

Recommendation: **For Committee to note the new regulations, approve the adoption of the new standard conditions and enforcement strategy and approve delegated authority to suspend or vary licences to the Service Lead, Environmental Health and Car Parks.**

Reason for recommendation: In order to meet the requirements of the regulations to apply them to the defined activities involving animals.

Officer: Janet Wallace and Allison Ferrero, Principal Environmental Health Officers, jwallace@eastdevon.gov.uk

Financial implications: The financial implications are contained within the report, however the Fee increase review to be undertaken has not been included within the budget process currently taking place for 2019/20. It would be unrealistic at this time to provide values until the review has been completed for April 2019.

Legal implications: The legal implications are set out within the report and require no further comment.

Equalities impact: Low risk.

The application of the new conditions required by the regulations will be achieved using reasonable and proportionate principles with the aim of assisting the small businesses affected to comply.

Risk: Low risk. Application of the new regulations is a statutory requirement for the authority.

Links to background information: Appendices:
A – Enforcement Strategy
B- Dog Home Boarding Conditions

- C- Dog Day Care Conditions
- D- Dog Breeding Conditions
- E – Dog Boarding in Kennels Conditions
- F- Cat Boarding Conditions
- G- Animal Exhibit Conditions
- H- Pet Sales Conditions
- I – Riding Establishment Conditions

Link to Council Plan: Developing an outstanding local economy and continuously improving to be an outstanding council.

Report

1. Local authorities are required to license certain activities involving animals and the establishments associated with these activities. Previously regulations have been in place covering each separate activity and some have not been revised for more than 50 years. A review has been undertaken and on 1st October 2018 new regulations were enacted setting out the obligations and duties for business operators. For the first time these regulations have included specific conditions which must be applied, thereby restricting the ability of local authorities to set their own conditions. This will encourage clarity and consistency amongst authorities and also the businesses involved.
2. Five activities involving animals are covered by these regulations:
 - (i) Selling animals as pets (no longer just in pet shops)
 - (ii) Providing boarding for cats or dogs (including kennels, day care and home boarding for dogs)
 - (iii) Hiring out horses for riding
 - (iv) Dog breeding
 - (v) Keeping or training animals for exhibition (licences commence 1st April 2019).
3. Local authorities must make sure that the person who carries on, or attempts to carry on, a licensable activity either does not need a licence due to not meeting the requirements, or holds a licence in accordance with the regulations. The authority is required to take appropriate enforcement action if the premises or activity is unlicensed. Responsibility for ensuring that the correct licence has been obtained and is kept up to date falls to the licence holder, or, if unlicensed, the person who should hold the licence.
4. Alongside the new conditions, the regulations introduce a risk rating and star classification system. Premises which are determined as low risk and which meet higher welfare standards will be awarded a higher star classification along with a licence which lasts for 2 or even 3 years for a single fee.
5. Guidance for each type of activity has been published by DEFRA and this has been sent to all premises holding current licences so that they can plan for the changes which will be introduced at the date of their licence renewals.
6. For the remainder of this financial year the fees charged are unchanged but the fees will need to be reviewed. Regard will be given to “Open for business: Local Government Association guidance on locally set licence fees” when new fees are set. It is likely that most fees will rise and it is intended that the review will take effect on 1st April 2019. The local authority may charge fees for the costs of consideration of the application, initial and

further inspections, the anticipated costs of considering compliance, and reasonable anticipated costs of enforcement.

7. For the first time the regulations introduce requirements for formal qualifications for business operators and their staff, and also for local authority inspectors. For the inspectors these must be acquired by October 2021 and in the interim only experienced officers may carry out the inspections. The Environmental Health team currently has 7 officers who have the necessary experience.
8. The regulations include provisions to suspend, vary or revoke licences. This would apply in the following circumstances:
 -) If there have been changes
 -) Where the conditions are not being complied with
 -) Where there has been a breach of the regulations
 -) If information supplied is shown to be false
 -) If it is necessary to protect the welfare of animalsDetailed guidance on how to address these situations is included in procedural guidance notes provided by DEFRA.
9. New application forms, inspection forms, licences, standard conditions and star classification assessments have been produced for each type of activity from the regulations and guidance. The committee is requested to consider the standard conditions included in the background papers and agree to their adoption, whilst also noting that from time to time minor variations of conditions may be required, and not all conditions will apply to every premises.
10. The current enforcement strategy has also been reviewed and is included with this report. The committee is requested to consider and approve the adoption of this strategy as being fair, reasonable and proportionate in order to assist officers with the work they are required to do. Specifically they are requested to approve delegated authority for the Service Lead, Environmental Health and Car Parks, to suspend or vary licences where necessary. In circumstances where a licence requires revocation (other than where the reason is voluntary closure of the premises) the strategy requires approval by the Licensing and Enforcement Committee acting on behalf of the Authority.

Environmental Health

East Devon District Council

Enforcement Strategy – Animal Welfare (Licensing of Activities Involving Animals)(England)Regulations 2018

Issue details	
Title:	Activities involving Animals including Animal Boarding and Breeding, Pet Sales and Riding Establishments
Version number	Version 1.0
Officer responsible:	Janet Wallace and Allison Ferrero
Authorisation by:	Licensing and Enforcement Committee
Authorisation date:	November 2018
Revision due:	November 2020

1 Previous Policies/Strategies

This is a new strategy which does not supersede a specific former strategy due to a change in regulations, although it does replace the Environmental Health Licensing Enforcement Policy – Dog Boarding and Breeding.

2 Why has the council introduced this strategy?

The council has introduced this strategy in order to provide clarity and consistency in the enforcement of conditions included on licences issued to dog and cat boarding establishments, dog breeding premises, performing animals, pet sales and riding establishments.

3 What is the council's strategy?

- A planned, and by appointment, inspection of premises will be undertaken by a suitably qualified and experienced Environmental Health Officer or Technical Officer following an application for grant or renewal of an animal activities licence. Where necessary, or required by regulations, the officer will be accompanied by a vet.
- Any inspection relating to an application for renewal of a licence shall be carried out at least 8 weeks prior to the expiry of the extant licence in order for applicants to be given time to resolve minor issues of non-compliance before renewal of the licence.
- An unannounced inspection will usually be undertaken in response to complaints about animal welfare, the condition of the premises or unsatisfactory practices that have been reported by members of staff or other concerned parties.
- Interim inspections, either planned or unannounced, will be carried out in relation to premises where items of non-compliance were raised at

previous inspections and at least once each year on premises issued with a two or three year licence.

- If the inspection reveals conditions or practices that do not comply with the legislation and relevant guidance, appropriate and proportionate enforcement action will be taken. This shall be in accordance with guidance contained within the DEFRA Procedural guidance notes for local authorities October 2018 (or updated guidance).

3.1 Minor non-compliance

e.g. where minor structural repairs or improvements are needed, where training is required or improved record keeping would be appropriate.

a) First Application for a Licence:

- The license will not be issued until the identified matters have been rectified, which must be prior to use of the premises for the animal activity.

b) Second and subsequent licences:

- The licence will be issued along with a warning letter stating that the outstanding matters must be rectified within 3 months (or such lesser period as is appropriate in the circumstances).
- If the matters have not been put right then the circumstances will be referred to the Principal Environmental Health Officer with a recommendation that the new licence should be suspended or revoked.
- A letter will be issued advising of the action that is proposed and allowing 1 further month for compliance.
- The PEHO will carry out a further inspection, and if the works have not been completed then a recommendation shall be made to the Service Lead that the licence should be suspended pending completion of the works.
- The premises shall not be used for the activity during any period of suspension.

c) Complaint Inspection:

- An inspection shall be carried out in order to identify any evidence of non-compliance.
- Following this a written warning will be issued detailing the matters to be rectified and stating that they must be completed within 3 months (or such lesser period as is appropriate in the circumstances).
- If on re-inspection the matters have not been resolved then the circumstances shall be referred to the Principal Environmental Health Officer who will issue a second warning letter advising that the Council will consider suspending or revoking the licence unless the outstanding matters have been rectified within a further specified time period.
- The PEHO will carry out a further inspection, and if the works have not been completed then a recommendation shall be made to the Service Lead that the licence should be suspended pending completion of the works.
- The premises shall not be used for the activity during any period of suspension.

3.2 Non compliance with potentially major consequences

e.g. maximum numbers of animals permitted to be boarded is exceeded, no satisfactory emergency fire safety plans in place, no evidence of vaccinations and animal health screening, overcrowding of accommodation in relation to an animal boarding licence, disease outbreak, filthy and verminous premises, death or injury of animals or persons, animals not kept in suitably compatible social groups.

a) New licence or renewal of licence.

- If such non-compliance is discovered during an inspection for a new licence or renewal of an existing licence the inspector will refer the matter to the Principal EHO.
- No licence will be issued and the Council will write to the applicant advising that the application has been refused and that trading (or continuing to trade) without a licence is an offence.
- It is then the responsibility of the applicant to put the matters right and arrange for a further inspection.
- The premises shall not be used for the activity during this period.

b) Complaint or inspection.

- If serious matters come to light as a result of a complaint or inspection, a warning letter will be issued advising that the Council is minded to suspend or revoke the licence, or commence proceedings for non-compliance with the conditions, unless the identified breaches and other outstanding matters have been rectified within a specified time period which must be reasonable.
- In the event of death of an animal, serious injury to an animal or injury to persons on the premises consideration will be given to commencing proceedings immediately.
- In all cases the PEHO will revisit after the specified reasonable time period.
- If serious breaches are outstanding which are putting the health and welfare of animals at imminent risk, or have done, enforcement action will commence in accordance with Part 3, regulations 15 to 23 of the Animal Welfare (Licensing of Activities Involving Animals)(England) Regulations 2018. Any such action will also be in accordance with the Council's Enforcement Policy.
- Any referral for legal proceedings must be approved by the Service Lead who must be satisfied that the evidence of non-compliance is robust, that there is a reasonable prospect of securing a conviction and that a criminal prosecution is likely to be in the public interest. A case file will be passed to the Strategic Lead for Legal, Licensing and Democratic Services for prosecution or, where appropriate, a formal caution.

3.3 Grant, renewal, variation, suspension or revocation of licences

- The consideration of an application for grant or renewal of a licence under Part 2, regulation 4, together with the conditions included within it, is a matter for the Council and the Council may refuse to issue a licence in accordance with the provisions set out above in respect of unresolved major or minor non-compliance.
- The decision to issue a licence or not, and any decision to vary or suspend a licence under regulations 9, 16 and 17, is delegated to the

Service Lead for Environmental Health and Car Parks and the Strategic Lead for Housing, Health and the Environment in the Constitution.

- Where non-compliance with conditions is so severe as to put animal health and welfare at risk, licences may be revoked under regulation 18 and authority to do this must be obtained from the Licencing and Enforcement Committee.

4 Equality impact considerations

Low Impact. The proposed policies will ensure that there will be no adverse consequences for any of the equalities groups arising from the fair and transparent application and enforcement of conditions relating to the animal activities defined in the regulations.

5 Appendices and other relevant information

None – there are standard conditions and licence formats which are contained within the Environmental Health procedures for licensing activities involving animals.

6 Who authorised the strategy and date of authorisation.

Licensing and Enforcement Committee, November 2018.

7 Related Strategies, Procedures and Legislation

There is an environmental health procedure regarding the licensing of activities involving animals, together with a set of standard licence conditions for each activity. These procedures conform to the requirements of current legislation and are regularly reviewed to maintain currency.

8 Policy date for review and responsible officer

October 2020, Janet Wallace, PEHO

EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)(England) Regs 2018
Animal Welfare Act 2006

DOG HOME BOARDING
LICENCE STANDARD CONDITIONS
Current October 2018

Premises:**Date Issued:****Expiry**.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of dogs in the care of the boarding facility as required by the above legislation.
3. EDDC will only grant a licence if it is satisfied, following inspection that these conditions will be complied with.
4. Brief guidance on compliance has been included below some conditions; further detail is available in the relevant DEFRA guidance note (see end for details).
5. Businesses that provide higher standards than these minimum conditions may be able to gain a 4 or 5 star rating in the Animals Activity Star Rating System and may qualify for a longer licence (see separate guidance).
6. Details of licences issued, and star ratings awarded, will be included on the EDDC website.
7. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First –tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

Conditions

1. Licence Display

1.1 A copy of the licence must be clearly displayed on the premises

1.2 The name of the licence holder and licence number must be displayed on any website used in respect of the licensed business.

2. Records

2.1 The licence holder must ensure that all required records are available for inspection by an authorised officer in a legible form.

2.2 The licence holder must keep all records for at least 3 years.

2.3 A register must be kept of all dogs at the premises which includes

a) The date and time of arrival and departure

b) The dog's name, age, sex, neuter status, breed, microchip number and description

c) The name, address and contact details of each owner (and an emergency contact)

d) The name, address and phone number of the vet

e) Details of relevant medical and behavioural history

f) Details of dietary requirements

g) Consent forms

h) Vaccination records

2.4 When outside the premises each dog must wear a collar and tags which include both the owners and licence holder's details.

3. Use, number and type of animal

3.1 This licence only applies to the home boarding of up todogs.

Guidance

- (i) The maximum is 6 at any time including any other resident or visiting dogs.
- (ii) Each dog, or dogs from the same family unit, must have access to a room for itself where it can sleep, hide or be separate from other dogs if necessary.
- (iii) Conservatories, bathrooms, hallways, garages, cellars, lofts or sheds are not acceptable rooms for this purpose.
- (iv) There must be direct access to a suitable and secure hazard free garden or external area not shared by other properties.

3.2 Dogs from different households may only be boarded with the written consent of every owner.

3.3 Unneutered bitches must be prevented from mating.

3.4 Procedures must be in place to regulate the interaction between dogs and children under 16 years of age living in or visiting the home.

4. Staffing

4.1 The license holder or any other person caring for the dogs must have competence to identify the normal behaviour of dogs and to recognise signs of, and take measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

Guidance

- (i) Suitable training must be demonstrated in dog welfare, handling, behaviour, hygiene, feeding, disease control and first aid.
- (ii) Training must be a minimum of OFQUAL level 2 in a relevant subject or clear written evidence of knowledge and experience.

5. Suitable Environment

5.1 All areas, equipment and appliances to which the dogs have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Guidance

- (i) The home must be well maintained and in good repair with no hazards such as sharp edges, projections, chemicals or loose cables.
- (ii) There must be no standing water from cleaning or urine.
- (iii) Doors and windows must be escape proof and securable. External doors and gates must be lockable.
- (iv) All fencing must be strong and rigid to provide an escape and dig proof structure. Mesh wire must be greater than 2mm in diameter, with mesh size less than 50mm.
- (v) Timber must be good quality with no damaged areas; wood must be smooth and treated.
- (vi) Each room must have a full height, securable door, with internal doors opening inwards and kept shut at night.

- (vii) All interior surfaces must be in good order and repair and kept suitably clean. Floors must be non-hazardous to avoid slipping.
- (viii) Electrical sockets and appliances must be secured and protected against damage.

5.2 Dogs must be kept in a suitable environment with respect to their behavioural needs, noise levels, light levels and ventilation.

Guidance

- (i) Temperatures must be kept in the range 10C to 26C.
- (ii) If a dog shows signs of heat or cold intolerance steps must be taken to ensure welfare of the dog.
- (iii) Ventilation must be provided to all inside areas.
- (iv) Heaters must not present a risk of burning or injury to the dog, or risk of a fire.
- (v) Excessive noise must be avoided.

5.3 Each dog must have a clean, comfortable and warm area within its designated room where it can rest and sleep. The designated room must have a secure openable window.

Guidance

- (i) Dogs must have adequate routine grooming and other health regimes such as cleaning of eyes and fur, and attention to coat, teeth, ears and nails.
- (ii) The sleeping area must allow the dog to sit and stand at full height, stretch and turn around without touching the sides. The clear floor area must be at least twice that required for the dog to lay flat.
- (iii) Beds and bedding must be kept clean; soft bedding must be provided unless owners say otherwise. Bedding must be changed and cleaned between dogs.

5.4 A toileting area and opportunities for toileting must be provided.

5.5 Accommodation and equipment must be cleaned and disinfected as often as necessary and good hygiene standards maintained.

Guidance

- (i) Rooms used for dogs must be checked daily and kept in a clean condition, in accordance with a written procedure.
- (ii) Dogs must be removed from the room during cleaning.

5.6 Dogs must be transported and handled in a manner that protects them from pain, suffering, injury and disease.

Guidance

- (i) Dogs must be suitably restrained in a crate, or using a dog guard or harness. Crates must be of adequate size and secured.
- (ii) Vehicles must be regularly cleaned and disinfected.
- (iii) Dogs must never be left in cars during hot weather, and may be left only for the minimum amount of time.

5.7 No dog shall be confined to a crate for longer than 3 hours in any 24 hour period.

5.8 A dog must not be kept in a crate unless it is habituated to it and the owner has consented. Any crate must be in good condition and large enough for the dog to sit and stand at full height, lie flat and turn around.

Guidance

- (i) The crate must be provided by the owner.
- (ii) If dogs choose to sleep in their crate during the day and overnight the door must be left open to allow the dog choice.

5.9 All resources must be provided in a way that minimises competitive behaviour or the dominance of individual animals.

Guidance

- (i) There must be sufficient feed and water bowls and sleeping areas for each dog in communal areas.

5.10 Dogs must not be left unattended in any situation or for any period likely to cause them distress.

Guidance

- (i) Dogs must not be left alone for more than 3 hours in a 24 hour period, or shorter intervals if necessary for the individual dog.

6. Suitable Diet

6.1 Dogs must be provided with a suitable diet in terms of quality, quantity and frequency.

Guidance

- (i) Adult dogs must be fed at least once per day, younger dogs more often, and all feeding must be agreed with the dog's owner.
- (ii) All dogs must be separated for feeding.

6.2 Feed and water intake must be monitored and any problems recorded and addressed.

Guidance

- (i) Veterinary advice must be sought if dogs do not eat for longer than 48 hours.
- (ii) Long stay dogs showing weight loss or gain must be referred to a vet.

6.3 Feed and water must be unspoilt and free from contamination.

Guidance

- (i) Dry food must not be left out for more than 24 hours; wet feed must not be left down if uneaten.
- (ii) Food must be kept in a fridge or cool storage area free from vermin.

6.4 Food and water bowls must be kept clean and disinfected, or be disposable.

6.5 Constant access to fresh, clean drinking water must be provided.

7. Monitoring of behaviour

7.1 Active and effective environmental enrichment must be provided to the dogs both inside and outside the home.

Guidance

- (i) Enrichment includes grooming, socialisation and play, and the arrangements must be agreed with the owner of each dog. Potential competition between dogs must be avoided.
- (ii) Damaged items must be removed from use.

7.2 Opportunities to exercise must be provided and this must include at least one walk per day as appropriate to the dog's age and health.

Guidance

- (i) No more than 4 dogs per person can be walked and the owner's consent must be obtained to walk with other dogs or off the lead.
- (ii) Outdoor areas must be cleared of potential hazards and faeces must be picked up regularly throughout the day.
- (iii) The outdoor areas must be secure and safe.

7.3 Dogs which cannot be exercised must be provided with alternative forms of mental stimulation.

7.4 The behaviour of dogs must be monitored and advice sought from a vet if changes are detected.

Guidance

- (i) Changes might indicate suffering, stress, fear, aggression and anxiety. A record must be kept of any concerns.
- (ii) Dogs likely to be nervous or stressed should be kept in a suitable area of the home.

7.5 Where used, training methods or equipment must not cause pain, suffering or injury.

7.6 Dogs under 1 year of age (immature dogs) must be given opportunities to learn how to interact with people, other dogs and other animals and become used to noises and activities in the environment.

8. Dog handling and interactions.

8.1 The licence holder and any other person caring for the dogs must be competent in the handling of dogs to protect them from pain, suffering, injury or disease.

8.2 The dogs must be kept separately or in suitable compatible social groups appropriate to the individual dogs. No dogs shall be isolated from others for any longer than is necessary.

Guidance

- (i) A policy must be in place for monitoring new dogs coming into the home boarding environment. They must be able to be kept away from other dogs if required.
- (ii) The needs of resident cats and small pets must be considered, and arrangements should be made to keep them separate from the boarded dogs.

9. Protection from pain, suffering, injury and disease.

9.1 Written procedures must be in place to cover feeding, cleaning, transport, the prevention of disease, monitoring health and welfare, the death or escape of a dog and emergency situations.

9.2 Appropriate isolation arrangements must be available for the care of sick, injured or infectious dogs.

9.3 Precautions must be taken to prevent and control the spread of infectious diseases and parasites.

Guidance

- (i) All dogs must have records to show current vaccinations for canine parvovirus, canine distemper, canine hepatitis, leptospirosis and kennel cough.
- (ii) Primary vaccination courses must be completed at least 2 weeks before boarding.
- (iii) Dogs must be treated for external and internal parasites before boarding, and at any time that there is evidence of external parasites having obtained consent from the owner.

9.4 All faeces and soiled bedding must be stored and disposed of in a hygienic manner, and in accordance with relevant legislation.

Guidance

- (i) Relevant legislation will include waste disposal requirements and the avoidance of nuisance.

- (ii) Storage must be in a sealed bin kept away from accommodation or food storage.

9.5 Dogs must be checked at least daily for signs of pain, suffering or injury. Sick or injured dogs must receive prompt attention from a vet.

Guidance

- (i) The owner must be informed immediately.

9.6 The licensee must register with a vet and the contact details of the vet must be readily available to anyone in charge of the dogs.

Guidance

- (i) The owner must also state which vet should be used if necessary for their dog.

9.7 Medicines must be stored safely and securely and used in accordance with instructions from the vet.

Guidance

- (i) Unused medicines must be returned to the owner or vet.

9.8 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to dogs. They must be used and stored in accordance with the manufacturer's instructions.

Guidance

- (i) Disinfectant products must be virucidal and bactericidal.
- (ii) Grooming equipment must be kept clean and in good repair, specific to each dog if provided by the owner.

10. Emergencies

10.1 A written emergency plan must be in place, known and available to anyone left in charge of the dogs.

Guidance

- (i) The home must have at least one smoke detector on each floor of the property.
- (ii) Electrical installations must be installed by qualified persons and maintained in a safe condition.
- (iii) Equipment must be in a good state of repair and serviced according to manufacturer's guidelines.

10.2 External doors and gates must be lockable, and a designated key holder must be within 30 minutes travelling time of the premises and available to attend in an emergency.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 4 (part 4) of the Animal Welfare (Licensing of Activities involving Animals)(England)Regulations 2018, DEFRA Guidance notes for conditions for providing home boarding for dogs July 2018, and DEFRA Procedural guidance notes for local authorities July 2018.

EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)(England) Regs 2018
Animal Welfare Act 2006

DAY CARE FOR DOGS
LICENCE STANDARD CONDITIONS
Current October 2018

Premises:**Date Issued:****Expiry**.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of dogs in the care of the boarding facility as required by the above legislation.
3. EDDC will only grant a licence if it is satisfied, following inspection, that these conditions will be complied with.
4. Brief guidance on compliance has been included below some conditions; further detail is available in the relevant DEFRA guidance note (see end for details).
5. Businesses that provide higher standards than these minimum conditions may be able to gain a 4 or 5 star rating in the Animals Activity Star Rating System and may qualify for a longer licence (see separate guidance).
6. Details of licences issued, and star ratings awarded, will be included on the EDDC website.
7. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First –tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

Conditions

1. Licence Display

- 1.1 A copy of the licence must be clearly displayed on the premises**
- 1.2 The name of the licence holder and licence number must be displayed on any website used in respect of the licensed business.**

2. Records

- 2.1 The licence holder must ensure that all required records are available for inspection by an authorised officer in a legible form.**
- 2.2 The licence holder must keep all records for at least 3 years.**
- 2.3 A register must be kept of all dogs at the premises which includes**
 - a) The date and time of arrival and departure**
 - b) The dog's name, age, sex, neuter status, breed, microchip number and description**
 - c) The name, address and contact details of each owner (and an emergency contact)**
 - d) The name, address and phone number of the vet**
 - e) Details of relevant medical and behavioural history**
 - f) Details of dietary requirements**
 - g) Consent forms**
 - h) Vaccination records and details of any medical treatment**
- 2.4 When outside the premises each dog must wear a collar and tags which include both the owners and licence holder's details.**

3. Use, number and type of animal

3.1 This licence only applies to providing day care for up todogs.

Guidance:

- (i) Breach of the licenced number can invalidate the licence.
- (ii) This figure must include any dogs kept on the premises which are not present for day care (eg. Present for grooming).

3.2 No dog may be kept on the premises overnight.

3.3 The number of dogs at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on the premises at that time.

3.4 Unneutered bitches must be prevented from mating.

4. Staffing

4.1 Sufficient numbers of competent people must be available to provide a level of care that ensures that the welfare needs of all the dogs are met.

Guidance:

- (i) Where there is evidence that welfare needs are not being met, the inspector must consider if staffing levels are appropriate, taking into account the size of premises, the layout (ie. how many dogs in each separate area), the type and breed of dogs, the qualifications of staff, additional services offered.
- (ii) The ratio of staff to dogs must be at least 1:10.

4.2 The license holder or any other person caring for the dogs must have competence to identify the normal behaviour of dogs and to recognise signs of, and take measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

Guidance

- (i) Suitable training must be demonstrated in dog welfare, handling, behaviour, hygiene, feeding, disease control and first aid.
- (ii) Training must be a minimum of OFQUAL level 2 in a relevant subject or clear written evidence of knowledge and experience.

4.3 The licence holder must provide and ensure the implementation of a written training policy for all staff.

Guidance:

- (i) The policy must include annual appraisals, continued professional development, use of online courses, inclusion of the licence holder in training.
- (ii) Evidence of staff attendance or completion of the training must be provided.

5. Suitable Environment

5.1 All areas, equipment and appliances to which the dogs have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Guidance

- (i) The premises must be well maintained and in good repair with no hazards such as sharp edges, projections, chemicals or loose cables.
- (ii) There must be no standing water from cleaning or urine, exercise areas must be suitably drained.

- (iii) There must be at least two secure physical barriers between a dog and any exit from the premises to the outer curtilage to prevent escape.
- (iv) Doors and windows must be escape proof and securable. External doors and gates must be lockable.
- (v) All fencing must be strong and rigid to provide an escape and dig proof structure. Mesh wire must be greater than 2mm in diameter, with mesh size less than 50mm.
- (vi) Timber must be good quality with no damaged areas; wood must be smooth and treated.
- (vii) All interior surfaces must be in good order and repair and kept suitably clean. Floors must be non-hazardous to avoid slipping.
- (viii) Where artificial turf is used it must be maintained in good repair to avoid ingestion hazards.

5.2 Dogs must be kept in a suitable environment with respect to their behavioural needs, noise levels, light levels and ventilation.

Guidance

- (i) Temperatures must be kept in the range 10C to 26C.
- (ii) If a dog shows signs of heat or cold intolerance steps must be taken to ensure welfare of the dog.
- (iii) Ventilation must be provided to all inside areas without the creation of excessive draughts.
- (iv) Heaters must not present a risk of burning or injury to the dog, or risk of a fire.
- (v) Dogs must not be exposed to excessive noise, including barking.
- (vi) The sleeping areas must provide any dog with at least twice the area required for it to lay flat.
- (vii) Crates must not be used for more than 1 hour in any 8 hour period and never without the dog owner's consent.

5.3 Each dog must be clean and comfortable and have a clean, comfortable and warm area where it can rest and sleep, and another secure area in which water is provided and in which there is shelter.

Guidance

- (i) Dogs must have adequate routine grooming and other health regimes such as cleaning of eyes and fur, and attention to coat, teeth, ears and nails.
- (ii) There must be sufficient clean resting places to provide comfort and warmth for every dog.

5.4 Each dog must have access to areas where it can interact safely with other dogs, toys and people, and urinate and defecate.

5.5 There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

5.6 A toileting area and opportunities for toileting must be provided.

Guidance

- (i) Dogs must have regular opportunities for toileting, either in a designated indoor area or a secure outside area.
- (ii) Faeces must be removed from all areas at least twice a day.

5.7 Accommodation and equipment must be cleaned and disinfected as often as necessary and good hygiene standards maintained.

Guidance

- (i) All internal furnishings must be capable of being cleaned and disinfected.
- (ii) Dogs must be removed from the area during cleaning.

5.8 Dogs must be transported and handled in a manner that protects them from pain, suffering, injury and disease.

Guidance

- (i) Dogs must be suitably restrained in a crate, or using a dog guard or harness. Crates must be of adequate size and secured.
- (ii) Vehicles must be regularly cleaned and disinfected.
- (iii) A suitable vehicle must be available to transport dogs.
- (iv) Dogs collected from and returned to their homes must be kept on a lead whilst out of the vehicle.
- (v) Journeys must be planned to minimise the time dogs spend in the vehicle.
- (vi) Dogs must not be left in vehicles for unreasonable periods or left in them unattended during hot weather.

5.9 All the dogs must be easily accessible to staff and for inspection, there must be sufficient light for the staff to work and observe the dogs.

5.10 All resources must be provided in a way that minimises competitive behaviour or the dominance of individual animals.

Guidance

- (i) There must be sufficient feed and water bowls and sleeping areas for each dog in communal areas.

5.11 Dogs must not be left unattended in any situation or for any period likely to cause them distress.

6. Suitable Diet

6.1 Dogs must be provided with a suitable diet in terms of quality, quantity and frequency.

Guidance

- (i) Dogs that need feeding during the day must be fed in accordance with the individual dog's needs and this must be agreed with the owner.
- (ii) All dogs must be separated for feeding.

6.2 Feed and water intake must be monitored and any problems recorded and addressed.

Guidance

- (i) Veterinary advice must be followed if required.
- (ii) Owners must be alerted if dogs are drinking excessively or not at all.

6.3 Feed and water must be unspoilt and free from contamination.

Guidance

- (i) Dry food must not be left out for more than 24 hours; wet feed must not be left down if uneaten.
- (ii) Food must be kept in a fridge or cool storage area free from vermin.

6.4 Food and water bowls must be kept clean and disinfected, or be disposable.

6.5 Constant access to fresh, clean drinking water must be provided.

6.6 Feed prepared on the premises must be handled in hygienic facilities which include a work surface, hot and cold running water and storage.

7. Monitoring of behaviour

7.1 Active and effective environmental enrichment must be provided to the dogs in both inside and outside environments.

Guidance

- (i) Enrichment includes grooming, socialisation and play, and the arrangements must be agreed with the owner of each dog. All dogs must receive appropriate toys and/or feeding enrichment.
- (ii) Items, including toys and equipment, must be checked daily to ensure they remain safe and damaged items must be removed from use.
- (iii) Dogs must be monitored continually when toys and/or enrichment are present.

7.2 Opportunities to exercise must be provided which benefit the dogs' physical and mental health.

Guidance

- (i) Consideration must be given to life stage, physical and mental health and breed when planning daily exercise.
- (ii) Written consent from owners must be obtained before walking dogs outside the premises. They must be kept on a lead at all times and no more than 4 dogs can be walked at the same time.
- (iii) Dogs must be monitored in outside exercise areas which must be safe and free from hazards which may cause injury.
- (iv) Dogs must not have access to bins, ponds, pools or other features that might pose a risk.

7.3 Dogs which need to be isolated from other dogs must be provided with alternative forms of mental stimulation.

7.4 All dogs must be screened before being admitted to the premises to ensure that they are not afraid, anxious or stressed in the presence of other dogs or people and do not pose a danger to other dogs or staff.

Guidance

- (i) A record of the screening procedure for each dog must be completed.

7.5 The behaviour of dogs must be monitored and advice sought from a vet if changes are detected.

Guidance

- (i) Changes might indicate suffering, stress, fear, aggression and anxiety. A record must be kept of any concerns and information passed to the owner.
- (ii) All staff must be able to identify abnormalities and dogs that are anxious or fearful about contact.
- (iii) Dogs likely to be nervous or stressed should be kept in a suitable area of the premises.

7.6 Where used, training methods or equipment must not cause pain, suffering or injury.

7.7 Dogs under 1 year of age (immature dogs) must be given opportunities to learn how to interact with people and other dogs and become used to noises and activities in the environment.

Guidance

- (i) Documented procedures must be in place to accommodate the needs of dogs under 1 year of age.
- (ii) Dogs under 1 year should be accommodated in a separate social group.

8. Dog handling and interactions.

8.1 The licence holder and any other person caring for the dogs must be competent in the handling of dogs to protect them from pain, suffering, injury or disease.

Guidance

- (i) Dogs must be handled humanely and appropriately to suit the requirements of the individual dog and to minimise fear, distress and pain. Dogs must not be punished so that they exhibit aversive behaviour.

8.2 The dogs must be kept separately or in suitable compatible social groups appropriate to the individual dogs. No dogs shall be isolated from others for any longer than is necessary.**

Guidance

- (i) The ability to separate dogs must be available and consideration given to their age, size and behaviour differences between dogs to minimise the risk of injuries.
- (ii) Dogs exhibiting aggressive behaviour must be excluded.

**** East Devon DC consider that a suitable compatible social group for dogs in a Day Care environment is a maximum of 10, and this figure has been agreed by a decision of Exeter Magistrates following an appeal on this point in the Exeter Magistrates Court July 2018.**

8.3 The dogs must be supervised at all times.

9. Protection from pain, suffering, injury and disease.

9.1 Written procedures must be in place to cover feeding, cleaning, transport, the prevention of disease, monitoring health and welfare, the death or escape of a dog and emergency situations.

9.2 Appropriate isolation arrangements in separate self-contained facilities must be available for the care of sick, injured or infectious dogs.

9.3 Precautions must be taken to prevent and control the spread of infectious diseases and parasites.

Guidance

- (i) All dogs must have records to show current vaccinations for at least canine parvovirus, canine distemper, canine hepatitis, leptospirosis and kennel cough.
- (ii) Primary vaccination courses must be completed at least 2 weeks before boarding.
- (iii) Dogs must be treated for external and internal parasites before boarding, and at any time that there is evidence of external parasites having obtained consent from the owner.

9.4 All faeces and soiled bedding must be stored and disposed of in a hygienic manner, and in accordance with relevant legislation.

Guidance

- (i) Relevant legislation will include waste disposal requirements and the avoidance of nuisance.
- (ii) Storage must be in a sealed bin kept away from accommodation or food storage.

9.5 Dogs must be checked at least daily for signs of pain, suffering or injury. Sick or injured dogs must receive prompt attention from a vet.

Guidance

- (i) The owner must be informed immediately.

9.6 The licensee must register with a vet and the contact details of the vet must be readily available to anyone in charge of the dogs.

Guidance

- (i) The name and contact number of the vet must be displayed in a prominent place and accessible to all members of staff.

- (ii) The owner must also state which vet should be used if necessary for their dog.

9.7 Medicines must be stored safely and securely and used in accordance with instructions from the vet.

Guidance

- (i) Unused medicines must be returned to the owner or vet.

9.8 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to dogs. They must be used and stored in accordance with the manufacturer's instructions.

Guidance

- (i) Disinfectant products must be virucidal and bactericidal.
- (ii) Grooming equipment must be kept clean and in good repair, specific to each dog if provided by the owner.
- (iii) Standing water must not be allowed to accumulate due to the possibility of pathogens residing in moist environments.

9.9 No person may euthanise a dog other than a vet; the license holder must keep a record of any euthanasia and it should not be carried out without the written consent of the owner.

10. Emergencies

10.1 A written emergency plan, acceptable to the local authority, must be in place, known and available to anyone left in charge of the dogs.

Guidance

- (i) Entrances and exits must be clear of obstruction at all times.
- (ii) Suitable fire prevention, detection and firefighting equipment must be provided and maintained in working order.
- (iii) The building must have at least one smoke detector on each floor.
- (iv) An emergency drill programme must be in place with annual testing. New staff members must have this as part of their induction.
- (v) The plan must include emergency accommodation of the dogs.
- (vi) Electrical installations must be installed by qualified persons and maintained in a safe condition.
- (vii) Equipment must be in a good state of repair and serviced according to manufacturer's guidelines.

10.2 The plan must include details of emergency measures to be taken for the extrication of dogs should the premises become uninhabitable.

10.3 External doors and gates must be lockable, and a designated key holder must be within 30 minutes travelling time of the premises and available to attend in an emergency.

Guidance

- (i) An emergency contact name and number must be displayed on the outside of the premises.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 4 (part 4) of the Animal Welfare (Licensing of Activities involving Animals)(England)Regulations 2018, DEFRA Guidance notes for conditions for providing day care for dogs July 2018, and DEFRA Procedural guidance notes for local authorities July 2018.

EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)(England) Regs 2018
Animal Welfare Act 2006

BREEDING DOGS
LICENCE STANDARD CONDITIONS
Current October 2018

Premises:**Date Issued:****Expiry**.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of dogs in the care of the breeder as required by the above legislation.
3. Brief guidance on compliance has been included below some conditions; further detail is available in the relevant DEFRA guidance note (see end for details).
4. EDDC will only grant a licence if it is satisfied, following inspection, that these conditions will be complied with.
5. Businesses that provide higher standards than these minimum conditions may be able to gain a 4 or 5 star rating in the Animals Activity Star Rating System and may qualify for a longer licence (see separate guidance).
6. Details of licences issued, and star ratings awarded, will be included on the EDDC website.
7. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First –tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

Conditions

1. Licence Display

- 1.1 A copy of the licence must be clearly displayed on the premises**
- 1.2 The name of the licence holder and licence number must be displayed on any website used in respect of the licensed business.**

2. Records

- 2.1 The licence holder must ensure that all required records are available for inspection by an authorised officer in a legible form.**
- 2.2 The licence holder must keep all records for at least 3 years.**
- 2.3 The licence holder must keep a record of the following in relation to each breeding dog:**
 - a) Its name, sex, date of birth and microchip details**
 - b) Its usual residence address**
 - c) Its breed or type, and description**
 - d) Date or dates of matings**
 - e) Details of its biological mother and father**
 - f) Details of any vet treatment and the date and cause of death (if applicable)**
- 2.4 In relation to breeding bitches the licence holder must keep an additional record of :**
 - a) The date and time of birth of each puppy**
 - b) Each puppy's sex, colour and weight**
 - c) Placentae passed**

- d) **The number of puppies in the litter**
 - e) **Any other significant events**
 - f) **The number of matings of the bitch**
 - g) **Its age at the time of each mating**
 - h) **The number of litters**
 - i) **The date or dates on which it has given birth**
 - j) **The number of caesarean sections it has had, if any.**
- 2.5 The licence holder must keep a record of each puppy sale including the microchip number, the date of sale, the age of the puppy on that date and the name, address and contact number of the purchaser.**
- 2.6 Each puppy must be microchipped and registered to the licence holder before it is sold.**

3. Use, number and type of animal

- 3.1 This licence only applies to the dog breeding activity for up todogs andbitches kept inindividual kennel units.**

Guidance:

- (i) Breach of the licenced number can invalidate the licence.

- 3.2 The number of dogs at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on the premises at that time.**

4. Staffing

- 4.1 Sufficient numbers of competent people must be available to provide a level of care that ensures that the welfare needs of all the dogs and puppies are met.**

Guidance:

- (i) Where there is evidence that welfare needs are not being met, the inspector must consider if staffing levels are appropriate, taking into account the size of premises, the layout (ie. how many dogs in each separate area), the type and breed of dogs, the qualifications of staff, advice from a vet.
- (ii) The ratio of staff to dogs in established businesses will be around 1:20.

- 4.2 The license holder or any other person caring for the dogs must have competence to identify the normal behaviour of dogs and to recognise signs of, and take measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.**

Guidance

- (i) Suitable training must be demonstrated in dog welfare, handling, behaviour, hygiene, feeding, disease control and first aid.
- (ii) Training must be a minimum of OFQUAL level 2 in a relevant subject or clear written evidence of knowledge and experience.

- 4.3 The licence holder must provide and ensure the implementation of a written training policy for all staff.**

Guidance:

- (i) The policy must include annual appraisals, continued professional development, use of online courses, inclusion of the licence holder in training.
- (ii) Evidence of staff attendance or completion of the training must be provided.

5. Suitable Environment

5.1 All areas, equipment and appliances to which the dogs have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Guidance

- (i) The premises must be well maintained and in good repair with no hazards such as sharp edges, projections, chemicals or loose cables.
- (ii) There must be no standing water from cleaning or urine, exercise areas must be suitably drained. Dogs must not have access to drainage channels.
- (iii) There must be at least two secure physical barriers between a dog and any exit from the premises to the outer curtilage to prevent escape.
- (iv) Doors and windows must be escape proof and securable. External doors and gates must be lockable. No doors shall be propped open when a building is being used to accommodate dogs. Unit doors must open inwards.
- (v) Kennels and runs must open onto secure areas so that dogs are not able to escape from the premises. These areas are not to be used as exercise areas.
- (vi) Where there are facing dog units, any internal corridor must be at least 1.2m wide if they are to be used as access routes to the units by handlers with dogs.
- (vii) Each unit must have a minimum headroom height of 1.8m and be designed to allow staff to access dogs and clean all parts safely and effectively.
- (viii) All fencing must be strong and rigid to provide an escape and dig proof structure. Mesh wire must be greater than 2mm in diameter, with mesh and aperture size less than 50mm.
- (ix) Timber must be good quality with no damaged areas; wood must be smooth and treated.
- (x) All interior surfaces must be in good order and repair and kept suitably clean. Floors must be non-hazardous to avoid slipping.
- (xi) In addition to the above requirements, where dogs or bitches are kept in a home environment the home must be well maintained, in good repair with no hazards (including electrical hazards) which might present risk of injury.

5.2 Dogs must be kept in a suitable environment with respect to their behavioural needs, noise levels, light levels and ventilation.

Guidance

- (i) Temperatures in the inside areas of units and in all sleeping areas must be kept above an absolute minimum of 10C and below 26C.
- (ii) Additional local heating must be provided within the whelping enclosure and for the first 10 days after birth.
- (iii) If a dog shows signs of heat or cold intolerance steps must be taken to ensure welfare of the dog. They must be able to remove themselves from a direct source of heat or light.
- (iv) Dogs must have exposure to natural light for at least part of the day.
- (v) Ventilation must be provided to all inside areas without the creation of excessive draughts.

5.3 Staff must ensure that the dogs are kept clean and comfortable. Sleeping areas must also be warm and free from draughts.

Guidance:

- (i) Dogs must receive adequate routine grooming, cleaning of eyes, and attention to coat, teeth, ears and nails (particularly if boarded for long periods).

5.4 A toileting area and opportunities for toileting must be provided.

Guidance

- (i) There must be direct and continuous access to a run for toileting.
- (ii) In a home environment dogs must have access to a secure outside area for toileting.
- (iii) Bitches must be allowed a minimum of four periods a day for toileting and exercise away from their puppies.

5.5 Accommodation and equipment must be cleaned and disinfected as often as necessary and good hygiene standards maintained.

Guidance

- (i) All kennels and runs must be cleaned every day, and disinfected weekly and between occupancies, in accordance with a written cleaning procedure.
- (ii) Dogs must be removed from the area during cleaning.
- (iii) Faeces must be removed from all areas as often as necessary and at least twice a day.

5.6 Dogs must be transported and handled in a manner that protects them from pain, suffering, injury and disease.

Guidance

- (i) Dogs must be suitably restrained in a crate, or using a dog guard or harness. Crates must be of adequate size and secured.
- (ii) Vehicles must be regularly cleaned and disinfected.
- (iii) A suitable vehicle must be available to transport dogs.
- (iv) Journeys must be planned to minimise the time dogs spend in the vehicle, and to provide sufficient breaks for water and toileting.
- (v) Dogs must not be left in vehicles for unreasonable periods or left in them unattended during hot weather.

5.7 No puppy under 8 weeks may be transported without its mother other than to a vet or in an emergency.

5.8 No bitch may be transported later than 54 days after mating, or earlier than 48 hours after whelping, other than to a vet. Where possible the vet should visit the bitch.

5.9 All the dogs must be easily accessible to staff and for inspection, there must be sufficient light for the staff to work and observe the dogs.

Guidance:

- (i) Lights must be turned off to provide a period of darkness overnight (for at least 8 hours).

5.10 All resources must be provided in a way that minimises competitive behaviour or the dominance of individual animals.

Guidance

- (i) There must be sufficient feed and water bowls for each dog, with each bitch having access to food that is not accessible to the puppies.

5.11 Dogs must not be left unattended in any situation or for any period likely to cause them distress.

Guidance:

- (i) All dogs must be observed regularly throughout the day, at least every 4 hours, or as necessary for the individual health, safety and welfare of each dog.

5.12 Each dog must have access to a sleeping area which is free from draughts and a separate exercise area. Part or all of the exercise area must be outdoors.

Guidance:

- (i) Dogs kept in the home must have free access to more than one room and an outside exercise area.

5.13 Each dog must be provided with sufficient space to stand on its hind legs, lie fully stretched out, walk and turn around without touching another dog or the walls of the sleeping area.

Guidance:

- (i) The minimum area for each dog up to 20kg is 4m²; increasing to 8m² for dogs over 20kg (see full details in table in guidance). Bitches with litters must have double this allowance.

5.14 There must be a separate whelping area for each breeding bitch which contains a suitable bed for whelping. This must be maintained at 26-28C and include an area for the bitch to move away from the heat.

Guidance:

- (i) The whelping bed must be raised off the floor and have sides to prevent puppies falling out. The bed must be cleanable and impervious.
- (ii) Bitches must be moved to the whelping area 60 days after mating.

6. Suitable Diet

6.1 Dogs must be provided with a suitable diet in terms of quality, quantity and frequency.

Guidance

- (i) Dogs that need feeding during the day must be fed in accordance with the individual dog's needs and this must be agreed with the owner.
- (ii) Adult dogs must be fed at least once per day, and a record of food kept.
- (iii) Each bitch must have sufficient appropriate food during pregnancy and lactation. The management of this must be documented. The bitch must be closely monitored for signs of complications and the feeding levels adjusted after weaning.
- (iv) All breeders must have a written plan for weaning puppies as soon as they are capable of ingesting feed on their own, and ensuring that each puppy ingests the correct share of food. Initially this must be 4-5 times a day.

6.2 Feed and water intake must be monitored and any problems recorded and addressed.

Guidance

- (i) Veterinary advice must be followed if required, and if dogs do not eat for more than 24 hours.
- (ii) Owners must be alerted if dogs are drinking excessively or not at all, or if there are any concerns regarding feeding.
- (iii) Weekly records of weight and body condition scoring must be kept to ensure the health of puppies; adult dogs must be monitored to ensure they are healthy.

6.3 Feed and water must be unspoilt and free from contamination.

Guidance

- (i) Dry food must not be left out for more than 24 hours; wet feed must not be left down if uneaten.
- (ii) Food must be kept in a fridge or cool storage area free from vermin.

6.4 Food and water bowls must be kept clean and disinfected, or be disposable.

6.5 Constant access to fresh, clean drinking water must be provided.

6.6 Feed prepared on the premises must be handled in hygienic facilities which include a work surface, hot and cold running water and storage.

7. Monitoring of behaviour

7.1 Active and effective environmental enrichment must be provided to the dogs in both inside and outside environments.

Guidance

- (i) Enrichment includes grooming, socialisation and play, and the arrangements must be agreed with the owner of each dog. All dogs must receive appropriate toys and/or feeding enrichment.
- (ii) Items, including toys and equipment, must be checked daily to ensure they remain safe and damaged items must be removed from use.
- (iii) Dogs must be monitored continually when toys and/or enrichment are present.

7.2 Opportunities to exercise must be provided which benefit the dogs' physical and mental health.

Guidance

- (i) Exercise must include at least two walks per day or access to a secure open space away from the kennel unit; dogs from different households must not be mixed.
- (ii) Dogs must be monitored in outside exercise areas which must be safe and free from hazards which may cause injury.
- (iii) Puppies cannot be walked so must have play and interaction at least 4 times a day for at least 20 minutes each time.

7.3 Dogs which cannot be exercised must be provided with alternative forms of mental stimulation.

7.4 The behaviour of dogs must be monitored and advice sought from a vet if changes are detected.

Guidance

- (i) Changes might indicate suffering, stress, fear, aggression and anxiety. A record must be kept of any concerns and information passed to the owner.
- (ii) All staff must be able to identify abnormalities and dogs that are anxious or fearful about contact.
- (iii) Dogs likely to be nervous or stressed should be kept in a suitable area of the premises.

7.5 Where used, training methods or equipment must not cause pain, suffering or injury.

7.6 Dogs under 1 year of age (immature dogs) must be given opportunities to learn how to interact with people and other dogs and become used to noises and activities in the environment.

Guidance

- (i) From 3 weeks old puppies must be habituated to events likely to be encountered as they get older, and also to a variety of people.

8. Dog handling and interactions.

8.1 The licence holder and any other person caring for the dogs must be competent in the handling of dogs to protect them from pain, suffering, injury or disease.

Guidance

- (i) Dogs must be handled humanely and appropriately to suit the requirements of the individual dog and to minimise fear, distress and pain. Dogs must not be punished so that they exhibit aversive behaviour.

8.2 The dogs must be kept separately or in suitable compatible social groups appropriate to the individual dogs. No dogs shall be isolated from others for any longer than is necessary.

Guidance

- (i) Dogs should be kept in groups with a minimum of 2 after pre-screening has been carried out. Dogs which show fear, anxiety or aggression on contact with other dogs must not be used for breeding.
- (ii) Facilities must be available to securely separate male dogs from bitches in season.

8.3 The dogs must have at least daily opportunities to interact with people where this will benefit their welfare.

8.4 Procedures must be in place for dealing with dogs that show abnormal behaviour.

8.5 There must be an area within each sleeping area in which dogs can avoid seeing people and other dogs if they choose.

9. Protection from pain, suffering, injury and disease.

9.1 Written procedures must be in place to cover feeding, cleaning, transport, the prevention of disease, monitoring health and welfare, the death or escape of a dog and emergency situations. Anyone responsible for the care of the dogs must be fully aware of these procedures.

9.2 All dogs for sale must be in good health.

9.3 Any dog with a condition likely to affect materially its quality of life must not be moved, transferred or offered for sale.

9.4 No dog may be kept for breeding if it can reasonably be expected that breeding from it could have a detrimental effect to the health and welfare of it or its offspring.

Guidance:

- (i) Licence holders must take all reasonable steps to ensure the dogs are of good physical and genetic health, or acceptable temperament and fit for function

9.5 The licence holder must ensure that no bitch

- a) Is mated before 12 months of age
- b) Gives birth to more than one litter in a 12 month period
- c) Gives birth to more than 6 litters in total (2 if caesarean sections were required).

9.6 Appropriate isolation arrangements in separate self-contained facilities must be available for the care of sick, injured or infectious dogs.

Guidance:

- (i) In a kennel environment separate isolation facilities must be provided; in a home environment dogs must be able to be kept an appropriate distance from puppies or places where they go for at least 14 days.

9.7 Precautions must be taken to prevent and control the spread of infectious diseases and parasites.

Guidance

- (i) All dogs must have records to show current vaccinations for at least canine parvovirus, canine distemper, canine hepatitis, leptospirosis and kennel cough.

- (ii) Dogs must be treated for external and internal parasites before boarding, and at any time that there is evidence of external parasites having obtained consent from the owner.

9.8 All faeces and soiled bedding must be stored and disposed of in a hygienic manner, and in accordance with relevant legislation.

Guidance

- (i) Relevant legislation will include waste disposal requirements and the avoidance of nuisance.
- (ii) Storage must be in a sealed bin kept away from accommodation or food storage.

9.9 Dogs must be checked at least daily for signs of pain, suffering or injury. Sick or injured dogs must receive prompt attention from a vet.

Guidance

- (i) The owner must be informed immediately.
- (ii) The presence or absence of faeces and urine must be monitored daily. Any abnormalities must be recorded and acted upon.
- (iii) Dogs must be handled at least twice daily, unless this would pose a risk to staff or stress to the dog.

9.10 The licensee must register with a vet and the contact details of the vet must be readily available to anyone in charge of the dogs.

Guidance

- (i) The name and contact number of the vet must be displayed in a prominent place and accessible to all members of staff.
- (ii) The owner must also state which vet should be used if necessary for their dog.

9.11 Medicines must be stored safely and securely and used in accordance with instructions from the vet.

Guidance

- (i) Unused medicines must be returned to the owner or vet.

9.12 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to dogs. They must be used and stored in accordance with the manufacturer's instructions.

Guidance

- (i) Disinfectant products must be virucidal and bactericidal.
- (ii) Grooming equipment must be kept clean and in good repair, specific to each dog if provided by the owner.
- (iii) Standing water must not be allowed to accumulate due to the possibility of pathogens residing in moist environments.

9.9 No person may euthanise a dog other than a vet; the license holder must keep a record of any euthanasia and it should not be carried out without the written consent of the owner.

10. Emergencies

10.1 A written emergency plan, acceptable to the local authority, must be in place, known and available to anyone left in charge of the dogs.

Guidance

- (i) Entrances and exits must be clear of obstruction at all times.
- (ii) Suitable fire prevention, detection and firefighting equipment must be provided and maintained in working order.
- (iii) The building must have at least one smoke detector on each floor.

- (iv) An emergency drill programme must be in place with annual testing. New staff members must have this as part of their induction.
- (v) The plan must include emergency accommodation of the dogs.
- (vi) Electrical installations must be installed by qualified persons and maintained in a safe condition.
- (vii) Equipment must be in a good state of repair and serviced according to manufacturer's guidelines.

10.2 The plan must include details of emergency measures to be taken for the extrication of dogs should the premises become uninhabitable.

10.3 External doors and gates must be lockable, and a designated key holder must be within 30 minutes travelling time of the premises and available to attend in an emergency.

Guidance

- (i) An emergency contact name and number must be displayed on the outside of the premises.

11. Other activities

11.1 Where any other activity involving animals, for example rescue dogs, dog breeding, dog grooming or cat boarding, is undertaken on the premises it must be kept entirely separate from the area used for boarding in kennels.

12. Advertisements and Sales

12.1 The licence holder must not advertise or offer for sale a dog which has not been bred by the licence holder except from the premises where it was born and reared under the licence, knowing or believing that the person who buys it intends to sell it or intends it to be sold by any other person.

Guidance:

- (i) The complete sales route from birth to sale must be clear.

12.2 Any advertisement for the sale of a dog must

- a) **Include the licence number and issuing authority**
- b) **Include a photograph of the dog(s) being advertised and their ages**

12.3 Any equipment and accessories sold with the dog must be suitable for it.

12.4 The licence holder must ensure that purchasers are informed of the age, sex, and vet record of the dog.

12.5 No puppy under 8 weeks may be sold or permanently separated from its mother.

Guidance:

- (i) Puppies must remain with their mother unless she dies or there is a health risk to the puppy or the mother.

12.6 A puppy may only be shown to a purchaser if it is together with its biological mother, unless the mother has died or there are health and welfare reasons for the separation.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 4 (part 4) of the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, DEFRA Guidance notes for conditions for breeding dogs October 2018, and DEFRA Procedural guidance notes for local authorities July 2018.

EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)(England) Regs 2018
Animal Welfare Act 2006

DOG BOARDING IN KENNELS
LICENCE STANDARD CONDITIONS
Current October 2018

Premises:**Date Issued:****Expiry**.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of dogs in the care of the boarding facility as required by the above legislation.
3. Brief guidance on compliance has been included below some conditions; further detail is available in the relevant DEFRA guidance note (see end for details).
4. EDDC will only grant a licence if it is satisfied, following inspection, that these conditions will be complied with.
5. Businesses that provide higher standards than these minimum conditions may be able to gain a 4 or 5 star rating in the Animals Activity Star Rating System and may qualify for a longer licence (see separate guidance).
6. Details of licences issued, and star ratings awarded, will be included on the EDDC website.
7. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First –tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

Conditions

1. Licence Display

- 1.1 A copy of the licence must be clearly displayed on the premises**
- 1.2 The name of the licence holder and licence number must be displayed on any website used in respect of the licensed business.**

2. Records

- 2.1 The licence holder must ensure that all required records are available for inspection by an authorised officer in a legible form.**
- 2.2 The licence holder must keep all records for at least 3 years.**
- 2.3 A register must be kept of all dogs at the premises which includes**
 - a) The date and time of arrival and departure**
 - b) The dog's name, age, sex, neuter status, breed, microchip number and description**
 - c) The name, address and contact details of each owner (and an emergency contact)**
 - d) The name, address and phone number of the vet**
 - e) Details of relevant medical and behavioural history**
 - f) Details of dietary requirements**
 - g) Consent forms**
 - h) Vaccination records and details of any medical treatment**
- 2.4 When outside the premises each dog must wear a collar and tags which include both the owners and licence holder's details.**

3. Use, number and type of animal

3.1 This licence only applies to providing boarding in kennels for up todogs inkennel units.

Guidance:

- (i) Breach of the licenced number can invalidate the licence.
- (ii) This figure must include any dogs kept on the premises which are not present for boarding (eg. Present for grooming).

3.2 The number of dogs at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on the premises at that time.

3.3 Each kennel unit must be clearly numbered and there must be a system in place to ensure that relevant information about the dogs in each kennel is available to staff and any inspector.

3.4 Only dogs from the same household may share a kennel unit.

Guidance:

- (i) Only in exceptional circumstances should this exceed 3 per unit.

4. Staffing

4.1 Sufficient numbers of competent people must be available to provide a level of care that ensures that the welfare needs of all the dogs are met.

Guidance:

- (i) Where there is evidence that welfare needs are not being met, the inspector must consider if staffing levels are appropriate, taking into account the size of premises, the layout (ie. how many dogs in each separate area), the type and breed of dogs, the qualifications of staff, additional services offered.
- (ii) The ratio of staff to dogs must be at least 1:25, with a minimum of 2 staff on site at any time.

4.2 The license holder or any other person caring for the dogs must have competence to identify the normal behaviour of dogs and to recognise signs of, and take measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

Guidance

- (i) Suitable training must be demonstrated in dog welfare, handling, behaviour, hygiene, feeding, disease control and first aid.
- (ii) Training must be a minimum of OFQUAL level 2 in a relevant subject or clear written evidence of knowledge and experience.

4.3 The licence holder must provide and ensure the implementation of a written training policy for all staff.

Guidance:

- (i) The policy must include annual appraisals, continued professional development, use of online courses, inclusion of the licence holder in training.
- (ii) Evidence of staff attendance or completion of the training must be provided.

5. Suitable Environment

5.1 All areas, equipment and appliances to which the dogs have access must present minimal risks of injury, illness and escape. They must be constructed in

materials that are robust, safe and durable, in a good state of repair and well maintained.

Guidance

- (i) The premises must be well maintained and in good repair with no hazards such as sharp edges, projections, chemicals or loose cables.
- (ii) There must be no standing water from cleaning or urine, exercise areas must be suitably drained. Dogs must not have access to drainage channels.
- (iii) There must be at least two secure physical barriers between a dog and any exit from the premises to the outer curtilage to prevent escape.
- (iv) Doors and windows must be escape proof and securable. External doors and gates must be lockable. No doors shall be propped open when a building is being used to accommodate dogs. Unit doors must open inwards.
- (v) Kennels and runs must open onto secure areas so that dogs are not able to escape from the premises. These areas are not to be used as exercise areas.
- (vi) Where there are facing dog units, any internal corridor must be at least 1.2m wide if they are to be used as access routes to the units by handlers with dogs.
- (vii) Each unit must have a minimum headroom height of 1.8m and be designed to allow staff to access dogs and clean all parts safely and effectively.
- (viii) All fencing must be strong and rigid to provide an escape and dig proof structure. Mesh wire must be greater than 2mm in diameter, with mesh and aperture size less than 50mm.
- (ix) Timber must be good quality with no damaged areas; wood must be smooth and treated.
- (x) All interior surfaces must be in good order and repair and kept suitably clean. Floors must be non-hazardous to avoid slipping.
- (xi) Where artificial turf is used it must be maintained in good repair to avoid ingestion hazards.

5.2 Dogs must be kept in a suitable environment with respect to their behavioural needs, noise levels, light levels and ventilation.

Guidance

- (i) Temperatures in the inside areas of units and in all sleeping areas must be kept above an absolute minimum of 10C.
- (ii) If a dog shows signs of heat or cold intolerance steps must be taken to ensure welfare of the dog.
- (iii) Ventilation must be provided to all inside areas without the creation of excessive draughts.
- (iv) Heaters must not present a risk of burning or injury to the dog, or risk of a fire.
- (v) Dogs must not be exposed to excessive noise, including barking.
- (vi) The sleeping areas must provide any dog with at least twice the area required for it to lay flat.

5.3 Each dog must be clean and comfortable and have constant access to a clean, comfortable and warm area where it can rest and sleep, and another secure area in which water is provided and in which there is shelter.

5.4 Staff must ensure that the dogs are kept clean and comfortable.

Guidance:

- (i) Dogs must receive adequate routine grooming, cleaning of eyes, and attention to coat, teeth, ears and nails (particularly if boarded for long periods).

5.5 Each exercise run must have a single, safe, waterproof roof over a minimum of half its total area.

5.6 There must be an area where any dog can avoid seeing other dogs and people if it so chooses.

Guidance

(i) This applies whether a dog is single, paired or group housed.

5.7 A toileting area and opportunities for toileting must be provided.

Guidance

(i) There must be direct and continuous access to a run for toileting.

5.8 Accommodation and equipment must be cleaned and disinfected as often as necessary and good hygiene standards maintained.

Guidance

(i) All kennels and runs must be cleaned every day, and disinfected weekly and between occupancies, in accordance with a written cleaning procedure.

(ii) Dogs must be removed from the area during cleaning.

(iii) Faeces must be removed from all areas as often as necessary and at least twice a day.

5.9 Dogs must be transported and handled in a manner that protects them from pain, suffering, injury and disease.

Guidance

(i) Dogs must be suitably restrained in a crate, or using a dog guard or harness. Crates must be of adequate size and secured.

(ii) Vehicles must be regularly cleaned and disinfected.

(iii) A suitable vehicle must be available to transport dogs.

(iv) Journeys must be planned to minimise the time dogs spend in the vehicle.

(v) Dogs must not be left in vehicles for unreasonable periods or left in them unattended during hot weather.

5.10 All the dogs must be easily accessible to staff and for inspection, there must be sufficient light for the staff to work and observe the dogs.

Guidance:

(i) Lights must be turned off to provide a period of darkness overnight (for at least 8 hours).

5.11 All resources must be provided in a way that minimises competitive behaviour or the dominance of individual animals.

Guidance

(i) There must be sufficient feed and water bowls for each dog.

5.12 Dogs must not be left unattended in any situation or for any period likely to cause them distress.

Guidance:

(i) All dogs must be observed regularly throughout the day, at least every 4 hours, or as necessary for the individual health, safety and welfare of each dog. Young dogs and newly arrived dogs must be observed more frequently, particularly in the first 3 hours of arrival.

6. Suitable Diet

6.1 Dogs must be provided with a suitable diet in terms of quality, quantity and frequency.

Guidance

- (i) Dogs that need feeding during the day must be fed in accordance with the individual dog's needs and this must be agreed with the owner.

6.2 Feed and water intake must be monitored and any problems recorded and addressed.

Guidance

- (i) Veterinary advice must be followed if required, and if dogs do not eat for more than 24 hours.
- (ii) Owners must be alerted if dogs are drinking excessively or not at all, or if there are any concerns regarding feeding.

6.3 Feed and water must be unspilt and free from contamination.

Guidance

- (i) Dry food must not be left out for more than 24 hours; wet feed must not be left down if uneaten.
- (ii) Food must be kept in a fridge or cool storage area free from vermin.

6.4 Food and water bowls must be kept clean and disinfected, or be disposable.

6.5 Constant access to fresh, clean drinking water must be provided.

6.6 Feed prepared on the premises must be handled in hygienic facilities which include a work surface, hot and cold running water and storage.

7. Monitoring of behaviour

7.1 Active and effective environmental enrichment must be provided to the dogs in both inside and outside environments.

Guidance

- (i) Enrichment includes grooming, socialisation and play, and the arrangements must be agreed with the owner of each dog. All dogs must receive appropriate toys and/or feeding enrichment.
- (ii) Items, including toys and equipment, must be checked daily to ensure they remain safe and damaged items must be removed from use.
- (iii) Dogs must be monitored continually when toys and/or enrichment are present.

7.2 Opportunities to exercise must be provided which benefit the dogs' physical and mental health.

Guidance

- (i) Consideration must be given to life stage, physical and mental health and breed when planning daily exercise.
- (ii) Exercise must include at least one walk per day or access to a secure open space away from the kennel unit; dogs from different households must not be mixed.
- (iii) Written consent from owners must be obtained before walking dogs outside the premises. They must be kept on a lead at all times and no more than 4 dogs can be walked at the same time.
- (iv) Dogs must be monitored in outside exercise areas which must be safe and free from hazards which may cause injury. Faeces must be picked up between dogs.
- (v) Dogs must not have access to bins, ponds, pools or other features that might pose a risk.

7.3 Dogs which cannot be exercised must be provided with alternative forms of mental stimulation.

7.4 Where a dog poses a health or welfare risk to other dogs it must be kept on its own in a unit with a full height wall separating it from any other dog.

7.5 The behaviour of dogs must be monitored and advice sought from a vet if changes are detected.

Guidance

- (i) Changes might indicate suffering, stress, fear, aggression and anxiety. A record must be kept of any concerns and information passed to the owner.
- (ii) All staff must be able to identify abnormalities and dogs that are anxious or fearful about contact.
- (iii) Dogs likely to be nervous or stressed should be kept in a suitable area of the premises.

7.6 Where used, training methods or equipment must not cause pain, suffering or injury.

7.7 Dogs under 1 year of age (immature dogs) must be given opportunities to learn how to interact with people and other dogs and become used to noises and activities in the environment.

Guidance

- (i) Documented procedures must be in place to accommodate the needs of dogs under 1 year of age.

8. Dog handling and interactions.

8.1 The licence holder and any other person caring for the dogs must be competent in the handling of dogs to protect them from pain, suffering, injury or disease.

Guidance

- (i) Dogs must be handled humanely and appropriately to suit the requirements of the individual dog and to minimise fear, distress and pain. Dogs must not be punished so that they exhibit aversive behaviour.
- (ii) A protocol must be in place for dealing with difficult dogs, to include members of staff trained in dog handling and the use of appropriate equipment. A range of muzzles and a dog catching device must be kept on site.

8.2 The dogs must be kept separately or in suitable compatible social groups appropriate to the individual dogs. No dogs shall be isolated from others for any longer than is necessary.

Guidance

- (i) Only dogs from the same household may be kept in a group.

8.3 The dogs must have at least daily opportunities to interact with people where this will benefit their welfare.

9. Protection from pain, suffering, injury and disease.

9.1 Written procedures must be in place to cover feeding, cleaning, transport, the prevention of disease, monitoring health and welfare, the death or escape of a dog and emergency situations. Anyone responsible for the care of the dogs must be fully aware of these procedures.

9.2 Appropriate isolation arrangements in separate self-contained facilities must be available for the care of sick, injured or infectious dogs.

9.3 Precautions must be taken to prevent and control the spread of infectious diseases and parasites.

Guidance

- (i) All dogs must have records to show current vaccinations for at least canine parvovirus, canine distemper, canine hepatitis, leptospirosis and kennel cough.

- (ii) Primary vaccination courses must be completed at least 2 weeks before boarding.
- (iii) Dogs must be treated for external and internal parasites before boarding, and at any time that there is evidence of external parasites having obtained consent from the owner.

9.4 All faeces and soiled bedding must be stored and disposed of in a hygienic manner, and in accordance with relevant legislation.

Guidance

- (i) Relevant legislation will include waste disposal requirements and the avoidance of nuisance.
- (ii) Storage must be in a sealed bin kept away from accommodation or food storage.

9.5 Dogs must be checked at least daily for signs of pain, suffering or injury. Sick or injured dogs must receive prompt attention from a vet.

Guidance

- (i) The owner must be informed immediately.
- (ii) The presence or absence of faeces and urine must be monitored daily. Any abnormalities must be recorded and acted upon.
- (iii) Dogs must be handled at least twice daily, unless this would pose a risk to staff or stress to the dog.

9.6 The licensee must register with a vet and the contact details of the vet must be readily available to anyone in charge of the dogs.

Guidance

- (i) The name and contact number of the vet must be displayed in a prominent place and accessible to all members of staff.
- (ii) The owner must also state which vet should be used if necessary for their dog.

9.7 Medicines must be stored safely and securely and used in accordance with instructions from the vet.

Guidance

- (i) Unused medicines must be returned to the owner or vet.

9.8 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to dogs. They must be used and stored in accordance with the manufacturer's instructions.

Guidance

- (i) Disinfectant products must be virucidal and bactericidal.
- (ii) Grooming equipment must be kept clean and in good repair, specific to each dog if provided by the owner.
- (iii) Standing water must not be allowed to accumulate due to the possibility of pathogens residing in moist environments.

9.9 No person may euthanise a dog other than a vet; the license holder must keep a record of any euthanasia and it should not be carried out without the written consent of the owner.

10. Emergencies

10.1 A written emergency plan, acceptable to the local authority, must be in place, known and available to anyone left in charge of the dogs.

Guidance

- (i) Entrances and exits must be clear of obstruction at all times.

- (ii) Suitable fire prevention, detection and firefighting equipment must be provided and maintained in working order.
- (iii) The building must have at least one smoke detector on each floor.
- (iv) An emergency drill programme must be in place with annual testing. New staff members must have this as part of their induction.
- (v) The plan must include emergency accommodation of the dogs.
- (vi) Electrical installations must be installed by qualified persons and maintained in a safe condition.
- (vii) Equipment must be in a good state of repair and serviced according to manufacturer's guidelines.

10.2 The plan must include details of emergency measures to be taken for the extrication of dogs should the premises become uninhabitable.

10.3 External doors and gates must be lockable, and a designated key holder must be within 30 minutes travelling time of the premises and available to attend in an emergency.

Guidance

- (i) An emergency contact name and number must be displayed on the outside of the premises.

11. Other activities

11.1 Where any other activity involving animals, for example rescue dogs, dog breeding, dog grooming or cat boarding, is undertaken on the premises it must be kept entirely separate from the area used for boarding in kennels.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 4 (part 4) of the Animal Welfare (Licensing of Activities involving Animals)(England)Regulations 2018, DEFRA Guidance notes for conditions for providing boarding in kennels for dogs July 2018, and DEFRA Procedural guidance notes for local authorities July 2018.

EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)(England) Regs 2018
Animal Welfare Act 2006

PROVIDING BOARDING FOR CATS
LICENCE STANDARD CONDITIONS
Current October 2018

Premises:**Date Issued:****Expiry**.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of cats in the care of the boarding facility as required by the above legislation.
3. Brief guidance on compliance has been included below some conditions; further detail is available in the relevant DEFRA guidance note (see end for details).
4. EDDC will only grant a licence if it is satisfied, following inspection, that these conditions will be complied with.
5. Businesses that provide higher standards than these minimum conditions may be able to gain a 4 or 5 star rating in the Animals Activity Star Rating System and may qualify for a longer licence (see separate guidance).
6. Details of licences issued, and star ratings awarded, will be included on the EDDC website.
7. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First –tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

Conditions

1. Licence Display

- 1.1 A copy of the licence must be clearly displayed on the premises**
- 1.2 The name of the licence holder and licence number must be displayed on any website used in respect of the licensed business.**

2. Records

- 2.1 The licence holder must ensure that all required records are available for inspection by an authorised officer in a legible form.**
- 2.2 The licence holder must keep all records for at least 3 years.**
- 2.3 A register must be kept of all cats at the premises which includes**
 - a) The date and time of arrival and departure**
 - b) The cat's name, age, sex, neuter status, breed, and description**
 - c) The name, address and contact details of each owner (and an emergency contact)**
 - d) The name, address and phone number of the vet**
 - e) Details of relevant medical and behavioural history**
 - f) Details of dietary requirements**
 - g) Consent forms**
 - h) Vaccination records and details of any medical treatment**

3. Use, number and type of animal

3.1 This licence only applies to providing boarding for up tocats inunits.

Guidance:

- (i) Breach of the licenced number can invalidate the licence.
- (ii) This figure must include any cats kept on the premises which are not present for boarding (other than the owner's own pet cats).

3.2 The number of cats at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on the premises at that time.

3.3 Each cat unit must be clearly numbered and there must be a system in place to ensure that relevant information about the cats in each unit is available to staff and any inspector.

3.4 Only cats from the same household may share a kennel unit.

4. Staffing

4.1 Sufficient numbers of competent people must be available to provide a level of care that ensures that the welfare needs of all the cats are met.

Guidance:

- (i) Where there is evidence that welfare needs are not being met, the inspector must consider if staffing levels are appropriate, taking into account the size of premises, the layout (ie. how many cats in each separate area), the qualifications of staff, advice from the vet.
- (ii) The ratio of staff to cats must be at least 1:25.

4.2 The license holder or any other person caring for the cats must have competence to identify the normal behaviour of cats and to recognise signs of, and take measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

Guidance

- (i) Suitable training must be demonstrated in cat welfare, handling, behaviour, hygiene, feeding, disease control and first aid.
- (ii) Training must be a minimum of OFQUAL level 2 in a relevant subject or clear written evidence of knowledge and experience.

4.3 The licence holder must provide and ensure the implementation of a written training policy for all staff.

Guidance:

- (i) The policy must include annual appraisals, continued professional development, use of online courses, inclusion of the licence holder in training.
- (ii) Evidence of staff attendance or completion of the training must be provided.

5. Suitable Environment

5.1 All areas, equipment and appliances to which the cats have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Guidance

- (i) The premises must be well maintained and in good repair with no hazards such as sharp edges, projections, chemicals or loose cables.
- (ii) There must be no standing water from cleaning or urine, exercise areas must be suitably drained. Cats must not have access to drainage channels.

- (iii) There must be at least two secure physical barriers between a cat and any exit from the premises to the outer curtilage to prevent escape.
- (iv) Doors and windows must be escape proof and securable. External doors and gates must be lockable. No doors shall be propped open when a building is being used to accommodate cats. Unit doors must open inwards.
- (v) All units must open onto secure areas so that cats are not able to escape from the premises. These areas are not to be used as exercise areas.
- (vi) Any mesh wire used must be greater than 1.6mm in diameter, with mesh and aperture size less than 25mm.
- (vii) Timber must be good quality with no damaged areas; wood must be smooth and treated.
- (viii) All interior surfaces must be in good order and repair and kept suitably clean. Floors must be non-hazardous to avoid slipping.
- (ix) Units should be designed so that cats can exercise and be handled within the unit.

5.2 Cats must be kept in a suitable environment with respect to their behavioural needs, noise levels, light levels and ventilation.

Guidance

- (i) Temperatures in the inside areas of units and in all sleeping areas must be kept above an absolute minimum of 10C, and aim to keep the temperature between 15C and 26C.
- (ii) If a cat shows signs of heat or cold intolerance steps must be taken to ensure welfare of the cat.
- (iii) Additional heat may be in the form of a heated bed but there must also be another form of space heating provided.
- (iv) Ventilation must be provided to all inside areas without the creation of excessive draughts.
- (v) Heaters must not present a risk of burning or injury to the cat, or risk of a fire.
- (vi) Cats must not be exposed to excessive noise, for example cat barking.

5.3 Each cat unit must provide the cat with sufficient space to walk, turn around, stand on its hind legs, hold its tail erect, climb, rest on the elevated area and lie down fully stretched out without touching another cat or the walls.

Guidance:

See DEFRA guidance notes on conditions for providing boarding for cats for detailed requirements on accommodation sizes.

5.4 Each cat unit must have sufficient space for it to sit, rest, eat and drink away from the area where it urinates and defecates.

Guidance:

- (i) The separation must be at least 600mm.

5.5 Cats must have constant access to their sleeping area.

Guidance:

- (i) A raised bed should be provided with all bedding clean and dry.
- (ii) Bedding must be washable or disposable, and cleaned or changed between cats.
- (iii) Soft bedding must be provided unless the owner requires otherwise.
- (iv) Access between the exercise and sleeping areas must be through a cat flap which can be propped open if necessary.

5.6 Each cat unit must include an elevated area for sleeping.

5.7 Staff must ensure that the cats are kept clean and comfortable.

Guidance:

- (i) Cats must receive adequate routine grooming, cleaning of eyes, and attention to coat, teeth, ears and nails (particularly if boarded for long periods).

5.8 There must be a safe, secure, waterproof roof over the entire cat unit.

5.9 Any gaps between cat units must be at least 0.6m wide to allow for access and cleaning.

Guidance:

- (i) The width of corridors between facing units must be at least 1.2m unless sneeze barriers have been provided to the fronts of the units.

5.10 Adjoining cat units must have solid barriers covering the full height and full width of the adjoining wall.

Guidance:

- (i) New build units should use translucent material to allow light through.

5.11 Cats within the premises must be prevented from coming into direct contact with animals from outside the premises.

Guidance:

- (i) Sneeze barriers must be in place on the end walls of the exercise run and at each end of the cattery block to prevent contact with other animals.

5.12 There must be an area where any cat can avoid seeing other cats and people if it so chooses.

Guidance

- (i) Cats must have a hiding place such as a cardboard box, igloo bed or other structures in the unit, for example their own carrier.

5.13 A litter tray must be provided at all times in each cat unit. A safe and absorbent litter material must be provided and this must be regularly replaced with the tray being cleaned and disinfected.

Guidance:

- (i) Trays must be impermeable, easy to clean or disposable. They must be large enough to allow the cat to turn around and deep enough to allow digging. Sawdust, shredded paper or soil are not suitable litter material.

5.14 Accommodation and equipment must be cleaned and disinfected as often as necessary and good hygiene standards maintained.

Guidance

- (i) Units must be inspected and cleaned every day. They must be disinfected weekly and between occupancies, in accordance with a written cleaning procedure.
- (ii) Cats should not be removed from the area during cleaning, unless it causes stress and there is a safe temporary unit for them to use.

5.15 Cats must be transported and handled in a manner that protects them from pain, suffering, injury and disease.

Guidance

- (i) Cats must be transported in a suitable, strong cat carrier and must be kept separated during any journey.
- (ii) Vehicles must be regularly cleaned and disinfected.
- (iii) A suitable vehicle must be available to transport cats.
- (iv) Journeys must be planned to minimise the time cats spend in the vehicle.
- (v) Cats must not be left in vehicles for unreasonable periods or left in them unattended during hot weather.

5.16 All the cats must be easily accessible to staff and for inspection, there must be sufficient light for the staff to work and observe the cats.

Guidance:

- (i) Lights must be turned off to provide a period of darkness overnight (for at least 8 hours).

5.17 All resources must be provided in a way that minimises competitive behaviour or the dominance of individual animals.

Guidance

- (i) There must be sufficient feed and water bowls for each cat from a single family sharing a unit.

5.18 Cats must not be left unattended in any situation or for any period likely to cause them distress.

Guidance:

- (i) All cats must be observed regularly throughout the day, at least every 4 hours, or as necessary for the individual health, safety and welfare of each cat. Young cats and newly arrived cats must be observed more frequently, particularly in the first 3 hours of arrival.

6. Suitable Diet

6.1 Cats must be provided with a suitable diet in terms of quality, quantity and frequency.

Guidance

- (i) 2 meals a day must be provided for adult cats, with dietary requirements being specified by the owner. One food and one water bowl must be provided for each cat.

6.2 Feed and water intake must be monitored and any problems recorded and addressed.

Guidance

- (i) Veterinary advice must be followed if required, and if cats do not eat for more than 24 hours.
- (ii) Owners must be alerted if cats are drinking excessively or not at all, or if there are any concerns regarding feeding.

6.3 Feed and water must be unspoilt and free from contamination.

Guidance

- (i) Dry food must not be left out for more than 24 hours; wet feed must not be left down if uneaten.
- (ii) Food must be kept in a fridge or cool storage area free from vermin.

6.4 Food and water bowls must be kept clean and disinfected, or be disposable.

6.5 Constant access to fresh, clean drinking water must be provided.

6.6 Feed prepared on the premises must be handled in hygienic facilities which include a work surface, hot and cold running water and storage.

7. Monitoring of behaviour

7.1 Active and effective environmental enrichment must be provided to the cats in both inside and outside environments.

Guidance

- (i) Enrichment includes scratching, play and opportunities to exhibit predatory behaviour provided by toys, scratching posts and hiding places.
- (ii) Items, including toys and equipment, must be checked daily to ensure they remain safe and damaged items must be removed from use.

7.2 Opportunities to exercise must be provided which benefit the cats' physical and mental health.

Guidance:

- (i) Cats must not be taken from their units except in an emergency or for vet treatment, and should not be placed in communal exercise areas.

7.3 The behaviour of cats must be monitored and advice sought from a vet if changes are detected.

Guidance

- (i) Changes might indicate suffering, stress, fear, aggression and anxiety. A record must be kept of any concerns and information passed to the owner.
- (ii) All staff must be able to identify abnormalities and cats that are anxious or fearful about contact. Advice must be obtained from a vet if necessary.

7.4 Each cat unit must include a facility for scratching. This shall be replaced or disinfected between occupancies.

7.5 Cats under 1 year of age (immature cats) must be given opportunities to learn how to interact with people and other cats and become used to noises and activities in the environment.

Guidance

- (i) Kittens under 8 weeks must not be boarded, other than with their mother.

8. Cat handling and interactions.

8.1 The licence holder and any other person caring for the cats must be competent in the handling of cats to protect them from pain, suffering, injury or disease.

Guidance

- (i) Cats must be handled humanely and appropriately to suit the requirements of the individual cat and to minimise fear, distress and pain. Cats must not be punished so that they exhibit aversive behaviour, and they must not be picked up by the scruff.

8.2 The cats must be kept separately or in suitable compatible social groups appropriate to the individual cats. No cats shall be isolated from others for any longer than is necessary.

Guidance

- (i) Only cats from the same household may be kept in a group.

8.3 The cats must have at least daily opportunities to interact with people where this will benefit their welfare.

9. Protection from pain, suffering, injury and disease.

9.1 Written procedures must be in place to cover feeding, cleaning, transport, the prevention of disease, monitoring health and welfare, the death or escape of a cat and emergency situations. Anyone responsible for the care of the cats must be fully aware of these procedures.

9.2 Appropriate isolation arrangements in separate self-contained facilities must be available for the care of sick, injured or infectious cats.

9.3 Precautions must be taken to prevent and control the spread of infectious diseases and parasites.

Guidance

- (i) All cats must have records to show current vaccinations for at least feline parvovirus, feline panleukopenia and feline respiratory viruses.

- (ii) Cats must be treated for external and internal parasites before boarding, and at any time that there is evidence of external parasites, having obtained consent from the owner or taking advice from a vet.

9.4 All faeces and soiled bedding must be stored and disposed of in a hygienic manner, and in accordance with relevant legislation.

Guidance

- (i) Relevant legislation will include waste disposal requirements and the avoidance of nuisance.
- (ii) Storage must be in a sealed bin kept away from accommodation or food storage.

9.5 Cats must be checked at least daily for signs of pain, suffering or injury. Sick or injured cats must receive prompt attention from a vet.

Guidance

- (i) The owner must be informed immediately.
- (ii) The presence or absence of faeces and urine must be monitored daily. Any abnormalities must be recorded and acted upon.
- (iii) Cats staying for longer than 3 weeks must be checked for weight loss or gain, and if necessary advice taken from a vet.

9.6 The licensee must register with a vet and the contact details of the vet must be readily available to anyone in charge of the cats.

Guidance

- (i) The name and contact number of the vet must be displayed in a prominent place and accessible to all members of staff.
- (ii) The owner must also state which vet should be used if necessary for their cat.

9.7 Medicines must be stored safely and securely and used in accordance with instructions from the vet.

Guidance

- (i) Unused medicines must be returned to the owner or vet.

9.8 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to cats. They must be used and stored in accordance with the manufacturer's instructions.

Guidance

- (i) Cleaning and Disinfectant products must be non-toxic to cats.
- (ii) Staff using cleaning products must be competent; cleaning products must be stored safely and equipment used on an infectious cat must be disinfected or disposed of.

9.9 No person may euthanise a cat other than a vet; the license holder must keep a record of any euthanasia and it should not be carried out without the written consent of the owner.

10. Emergencies

10.1 A written emergency plan, acceptable to the local authority, must be in place, known and available to anyone left in charge of the cats.

Guidance

- (i) Entrances and exits must be clear of obstruction at all times.
- (ii) Suitable fire prevention, detection and firefighting equipment must be provided and maintained in working order.
- (iii) The building must have at least one smoke detector on each floor.

- (iv) An emergency drill programme must be in place with annual testing. New staff members must have this as part of their induction.
- (v) The plan must include emergency accommodation of the cats.
- (vi) Electrical installations must be installed by qualified persons and maintained in a safe condition.
- (vii) Equipment must be in a good state of repair and serviced according to manufacturer's guidelines.

10.2 The plan must include details of emergency measures to be taken for the extrication of cats should the premises become uninhabitable.

10.3 External doors and gates must be lockable, and a designated key holder must be within 30 minutes travelling time of the premises and available to attend in an emergency.

Guidance

- (i) An emergency contact name and number must be displayed on the outside of the premises.

11. Other activities

11.1 Where any other activity involving animals, for example dog boarding, is undertaken on the premises it must be kept entirely separate from the area used for boarding of cats.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 4 (part 4) of the Animal Welfare (Licensing of Activities involving Animals)(England)Regulations 2018, DEFRA Guidance notes for conditions for providing boarding for cats July 2018, and DEFRA Procedural guidance notes for local authorities July 2018.

**EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)
(England) Regs 2018
Animal Welfare Act 2006**

**KEEPING OR TRAINING ANIMALS FOR EXHIBITION
LICENCE STANDARD CONDITIONS
Current December 2018**

Premises: **Date Issued:**
Expiry:.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of animals kept or trained for exhibition as required by the above legislation.
3. EDDC will only grant a licence if it is satisfied, following inspection, that these conditions will be met.
4. Details of licences issued will be included on the EDDC website.
5. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First –tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

1.0 Licence Display

1.1 A copy of the licence must be clearly and prominently displayed on any premises used for the licensable activity.

1.2 The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

2.0 Records

2.1 The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

2.2 The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

2.3 The licence holder must hold valid public liability insurance in respect of the licensable activity of keeping or training animals for exhibition.

2.4 The licence holder must keep a list of each animal kept, or trained, for exhibition with all the information necessary to identify that animal individually (including its common and scientific names) and must provide the local authority with a copy of the list and any change to it as soon as practicable after the change.

3.0 Use, number and type of animals

3.1 No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity. The animals specified in this licence are

3.2 The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises used for the licensable activity. The maximum numbers as applied for are

4.0 Staffing

4.1 Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

4.2 The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

4.3 The licence holder must provide and ensure the implementation of a written training policy for all staff.

5.0 Suitable Environment

5.1 All areas, equipment, transport and appliances to which the animals have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

5.2 Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,
- (b) its situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

5.3 Staff must ensure that the animals are kept clean and comfortable.

5.4 Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

5.5 Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained. The accommodation must be capable of being thoroughly cleaned and disinfected.

5.6 The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

5.7 All the animals must be easily accessible to staff and for inspection. There must be sufficient light for the staff to work effectively and observe the animals.

5.8 All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

5.9 The animals must not be left unattended in any situation or for any period likely to cause them distress.

5.10 Suitable temporary accommodation must be provided for all the animals at any venue where they are exhibited.

6.0 Suitable Diet

6.1 The animals must be provided with a suitable diet in terms of quality, quantity and frequency. Any new feeds must be introduced gradually to allow the animals to adjust to them.

6.2 Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

6.3 Feed and drinking water provided to the animals must be unspoilt and free from contamination.

6.4 Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

6.5 Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

6.6 Where feed is prepared on the premises used for the licensable activity, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

7.0 Monitoring of behaviour and training of animals

7.1 Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

7.2 For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

7.3 The animals' behaviour and any changes of behaviour must be monitored. Advice must be sought, as appropriate and without delay, from a veterinarian if adverse or abnormal behaviour is detected.

7.4 Where used, training methods or equipment must not cause pain, suffering or injury.

7.5 All immature animals must be given suitable and adequate opportunities to—

- (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
- (b) become habituated to noises, objects and activities in their environment.

7.6 The animals must be trained by competent staff and given suitable and adequate opportunities to become habituated to being exhibited, using positive reinforcement.

8.0 Animal Handling and Interactions

8.1 All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

8.2 The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals. No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

8.3 The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

9.0 Housing with, or apart from, other animals

9.1 Social animals must not be exhibited if their removal from and reintroduction to the group with which they are usually housed causes them or any other animal within that group stress, anxiety or fear.

9.2 Animals must be prevented from coming into contact with each other during any exhibition where such contact would be likely to cause any of them to show signs of aggression, fear or distress.

9.3 All persons likely to come into contact with the animals during an exhibition must be briefed about how to behave around the animals so as to minimise anxiety, fear and stress in the animals.

9.4 No female animal with unweaned offspring may be removed from its home environment and newborn, unweaned or dependent offspring must not be removed from their mothers.

10.0 Protection from Pain, Suffering, Injury and Disease

10.1 Written procedures must—

- (a) be in place and implemented covering—
 - (i) feeding regimes,
 - (ii) cleaning regimes,
 - (iii) transportation,
 - (iv) the prevention of, and control of the spread of, disease,
 - (v) monitoring and ensuring the health and welfare of all the animals,
 - (vi) the death or escape of an animal (including the storage of carcasses);
- (b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

- 10.2 All people responsible for the care of the animals must be made fully aware of these procedures.
- 10.3 Appropriate isolation, in self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.
- 10.4 All reasonable precautions must be taken to prevent and control the spread among animals and people of infectious diseases and parasites.
- 10.5 All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.
- 10.6 Sick or injured animals must receive prompt attention from a veterinarian and their advice followed.
- 10.7 Where necessary, animals must receive preventative treatment by an appropriately competent person.
- 10.8 The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that veterinarian must be readily available to all staff on the premises used for the licensable activity.
- 10.9 Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.
- 10.10 Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.
- 10.11 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals. They must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.
- 10.12 No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
- (a) in the case of fish, a person who is competent for such purpose;
 - (b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.
- 10.13 All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour. Vulnerable animals must be checked more frequently.
- 10.14 Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian must be sought and followed.
- 10.15 A register must be kept of each animal exhibited or to be exhibited which must include—
- (a) the full name of the supplier of the animal,
 - (b) its date of birth,
 - (c) the date of its arrival,

- (d) its name (if any), age, sex, neuter status, description and microchip or ring number (if applicable),
- (e) the name and contact details of the animal's normal veterinarian and details of any insurance relating to it,
- (f) details of the animal's relevant medical and behavioural history including details of any treatment administered against parasites and any restrictions on exercise or diet,
- (g) a record of the date or dates of the animal's most recent vaccination, worming and flea treatments, and
- (h) the distance to and times taken for it to travel to and from each exhibition event.

10.16 A record of when the animals are exhibited must be kept and an animal rotation policy must be put in place to ensure that the animals have enough rest between and during exhibition events.

10.17 All the animals used in exhibition events must be in good physical and mental health.

10.18 The exhibited animals must be suitable for the specific conditions, type of enclosure and actions involved in the exhibition.

10.19 Any equipment, chemicals and other materials used in the exhibition must not cause the animals pain, discomfort, fatigue or stress.

10.20 The animals must be transported in suitable, secure and appropriately labelled carriers.

10.21 The licence holder or the licence holder's staff must undertake a risk assessment before each exhibition event.

10.22 The animals must not be handled by persons whose behaviour appears at the time to be influenced by the consumption of alcohol or by any psychoactive substance.

11.0 Emergencies

11.1 A written emergency plan, acceptable to the local authority, must be in place, known and available to all staff on the premises used for the licensable activity, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns for essential heating, ventilation and aeration or filtration systems or other emergencies.

11.2 The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

11.3 External doors and gates must be lockable.

11.4 A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

11.5 A written policy detailing contingency measures in the event of the breakdown of a vehicle used to transport the animals or any other emergency must be available to all staff.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 7 of the Animal Welfare (Licensing of Activities involving Animals)(England) Regulations 2018, DEFRA Guidance notes for conditions for keeping or training animals for exhibition July 2018, and DEFRA Procedural guidance notes for local authorities July 2018.

EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)(England) Regs 2018
Animal Welfare Act 2006

SELLING ANIMALS AS PETS
LICENCE STANDARD CONDITIONS
Current October 2018

Premises:**Date Issued:****Expiry:**.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of pets in the care of the facility as required by the above legislation.
3. Brief guidance on compliance has been included below some conditions; further detail is available in the relevant DEFRA guidance note (see end for details).
4. EDDC will only grant a licence if it is satisfied, following inspection, that these conditions will be complied with.
5. Businesses that provide higher standards than these minimum conditions may be able to gain a 4 or 5 star rating in the Animals Activity Star Rating System and may qualify for a longer licence (see separate guidance).
6. Details of licences issued, and star ratings awarded, will be included on the EDDC website.
7. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First –tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

Conditions

1.0 Licence Display

1.1 A copy of the licence must be clearly and prominently displayed on any premises used for the licensable activity.

1.2 The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

2.0 Records

2.1 The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

2.2 The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

3.0 Use, number and type of animals

3.1 No animals or types of animal other than those animals and types of animal specified below may be kept on this licensed premises.

Pet Type	Maximum Number

3.2 The number of animals kept at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on the licensed premises.

4.0 Staffing

4.1 Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

4.2 The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

4.3 The licence holder must provide and ensure the implementation of a written training policy for all staff.

5.0 Suitable Environment

5.1 All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

5.2 Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs,
- (b) the situation, space, air quality, cleanliness and temperature,
- (c) the water quality (where relevant),
- (d) noise levels,
- (e) light levels,
- (f) ventilation.

5.3 Staff must ensure that the animals are kept clean and comfortable.

5.4 Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

5.5 Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained. The accommodation must be capable of being thoroughly cleaned and disinfected.

5.6 The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

5.7 All the animals must be easily accessible to staff and for inspection. There must be sufficient light for the staff to work effectively and observe the animals.

5.8 All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

5.9 The animals must not be left unattended in any situation or for any period likely to cause them distress.

6.0 Suitable Diet

6.1 The animals must be provided with a suitable diet in terms of quality, quantity and frequency. Any new feeds must be introduced gradually to allow the animals to adjust to them.

6.2 Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

6.3 Feed and drinking water provided to the animals must be unspoilt and free from contamination.

6.4 Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

6.5 Constant access to fresh, clean drinking water must be provided in a suitable receptacle for the species that requires it.

6.6 Where feed is prepared on the premises used for the licensable activity, there must be hygienic facilities for its preparation, including a work surface, hot and cold running water and storage.

7.0 Monitoring of behaviour and training of animals

7.1 Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

7.2 For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

7.3 The animals' behaviour and any changes of behaviour must be monitored. Advice must be sought, as appropriate and without delay, from a veterinarian or, in the case of fish, any person competent to give such advice if adverse or abnormal behaviour is detected.

7.4 Where used, training methods or equipment must not cause pain, suffering or injury.

- 7.5 All immature animals must be given suitable and adequate opportunities to—
- (a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
 - (b) become habituated to noises, objects and activities in their environment.

8.0 Animal Handling and Interactions

8.1 All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

8.2 The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals. No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

8.3 The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

9.0 Protection from Pain, Suffering, Injury and Disease

9.1 Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes,
- (ii) cleaning regimes,
- (iii) transportation,
- (iv) the prevention of, and control of the spread of, disease,
- (v) monitoring and ensuring the health and welfare of all the animals,

(vi) the death or escape of an animal (including the storage of carcasses);

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

9.2 All people responsible for the care of the animals must be made fully aware of these procedures.

9.3 Appropriate isolation, in self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

9.4 All reasonable precautions must be taken to prevent and control the spread among animals and people of infectious diseases and parasites.

9.5 All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

9.6 Sick or injured animals must receive prompt attention from a veterinarian or, in the case of fish, an appropriately competent person and the advice of that veterinarian or, in the case of fish, that competent person must be followed.

9.7 Where necessary, animals must receive preventative treatment by an appropriately competent person.

9.8 The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the

licence and the contact details of that veterinarian must be readily available to all staff on the premises used for the licensable activity.

9.9 Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian

9.10 Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

9.11 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals. They must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

9.12 No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or—
(a) in the case of fish, a person who is competent for such purpose;
(b) in the case of horses, a person who is competent, and who holds a licence or certificate, for such purpose.

9.13 All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour. Vulnerable animals must be checked more frequently. Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian (or in the case of fish, of an appropriately competent person) must be sought and followed.

10.0 Emergencies

10.1 A written emergency plan, acceptable to the local authority, must be in place, known and available to all staff on the premises used for the licensable activity, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns for essential heating, ventilation and aeration or filtration systems or other emergencies.

10.2 The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

10.3 External doors and gates must be lockable.

10.4 A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 3 of the Animal Welfare (Licensing of Activities involving Animals)(England)Regulations 2018, DEFRA Guidance notes for conditions for selling animals as pets July 2018, and DEFRA Procedural guidance notes for local authorities July 2018.

See attached annex's for general provisions and specific conditions relating to each animal species sold.

Annex 1	General provisions
Annex 2	Sale of dogs
Annex 3	Sale of cats
Annex 4	Sale of rabbits
Annex 5	Sale of guinea pigs
Annex 6	Sale of ferrets
Annex 7	Sale of domestic small rodents
Annex 8	Sale of other non-domestic species (mammals)
Annex 9	Sale of Birds
Annex 10	Sale of Reptiles and Amphibians
Annex 11	Sale of Fish

Annex 1.

General provisions applicable to all premises

1.0 Records and advertisements

1.1 A register must be maintained for all the animals or, in the case of fish, all the groups of fish, on the premises. The register must include —

- (a) the full name of the supplier of the animal,
- (b) the animal's sex (where known),
- (c) (except in the case of fish) the animal's age (where known),
- (d) details of any veterinary treatment (where known),
- (e) the date of birth of the animal or, if the animal was acquired by the licence holder, the date of its acquisition,
- (f) the date of sale of the animal by the licence holder, and
- (g) the date of the animal's death (if applicable).

1.2 Where an animal is undergoing any medical treatment—

- (a) this fact must be clearly indicated—
 - (i) in writing next to it, or
 - (ii) (where appropriate) by labelling it accordingly, and
- (b) it must not be sold

1.3 Any advertisement for the sale of an animal must—

- (a) include the number of the licence holder's licence,
- (b) specify the local authority that issued the licence,
- (c) include a recognisable photograph of the animal being advertised,
- (d) (except in the case of fish) display the age of the animal being advertised,
- (e) state the country of residence of the animal from which it is being sold, and
- (f) state the country of origin of the animal.

2.0 Prospective Sales: pet care and advice

2.1 The licence holder and all staff must ensure that any equipment and accessories being sold with an animal are suitable for the animal.

2.2 The licence holder and all staff must ensure that the prospective owner is provided with information in writing on the appropriate care of the animal including in relation to—

- (a) feeding,
- (b) housing,
- (c) handling,
- (d) husbandry,
- (e) the life expectancy of its species,
- (f) the provision of suitable accessories, and
- (g) veterinary care.

2.3 The licence holder and all staff must have been suitably trained to advise prospective owners about the animals being sold.

2.4 The licence holder and sales staff must ensure that the purchaser is informed of the country of origin of the animal and the species, and where known, the age, sex and veterinary record of the animal being sold.

3.0 Suitable accommodation

3.1 Animals must be kept in housing which minimises stress from other animals and the public.

3.2 Where members of the public can view or come into contact with the animals, signage must be in place to deter disturbance of the animals.

3.3 Dangerous wild animals (if any) must be kept in enclosures that are secure and lockable and appropriate for the species

4.0 Purchase and sales of animals

4.1 The purchase, or sale, by or on behalf of the licence holder of any of the following is prohibited—

- (a) unweaned mammals;
- (b) mammals weaned at an age at which they should not have been weaned;
- (c) non-mammals that are incapable of feeding themselves;
- (d) puppies, cats, ferrets or rabbits, aged under 8 weeks.

4.2 The sale of a dog must be completed in the presence of the purchaser on the premises.

5.0 Protection from pain, suffering, injury and disease

5.1 All animals for sale must be in good health

5.2 Any animal with a condition which is likely to affect materially its quality of life must not be moved, transferred or offered for sale but may be moved to an isolation facility or veterinary care facility if required until the animal has recovered

5.3 When arranging for the receipt of animals, the licence holder must make reasonable efforts to ensure that they will be transported in a suitable manner.

5.4 Animals must be transported or handed to purchasers in suitable containers for the species and expected duration of the journey.

Annex 2.

Sale of Dogs

1.0 Staffing

1.1 There must be adequate staffing to feed and socialise puppies every 4-5 hours and a minimum of 4 times over a 16-hour period.

1.2 Dogs must not be left for long periods without being assessed. Dogs must be checked every 4 hours during the working day and at least once during the overnight period and outside of normal working hours.

2.0 Suitable Environment

2.1 Risk of injury, illness and escape to be prevented

(i) Partitions between kennels and individual exercise areas must be of solid construction sufficiently high to prevent nose-nose contact.

(ii) Kennel doors must be strong enough to resist impact chewing and scratching and must be capable of being effectively secured.

(iii) Units and exercise areas must open onto secure corridors or other secure areas. These corridors must not be used as an exercise area. All windows must be escape proof.

(iv) Timber must be of good quality, well-kept and any damaged areas sealed or over clad. Wood must be smooth and treated and properly maintained to render it impervious.

(v) Floors must have a non-slip, solid surface.

(vi) Large apertures to unlock a door must be avoided. Gaps or apertures must be small enough to prevent a dog's head passing through, or entrapment of any limb or body parts. To protect against entrapment any such gaps must prevent the passage of a 50mm sphere, or smaller if appropriate.

(vii) All wire mesh/fencing must be strong and rigid and kept in good repair to provide an escape and dig proof structure. Where metal bars and/or mesh and/or frames are used, they must be of suitable gauge (minimum 2mm diameter, approximately British Standard 14 gauge) with spacing adequate to prevent dogs escaping or becoming entrapped.

(viii) Door openings must be constructed such that the passage of water/waste is not impeded, or allowed to gather due to inaccessibility.

(ix) Drainage must be effective to ensure there is no standing or pooling of liquids. A minimum gradient of 1:80 is advised to allow water to run off. Waste water must not run off into adjacent pens/dog units. Drainage channels must be provided so that urine is not allowed to pass over walk areas in corridors and communal access areas. There must be no access to the drainage channels by the dogs housed in the dog units.

(x) Any drain covers in areas where dogs have access must be designed and located to prevent toes/claws from being caught.

(xi) Each unit must have minimum headroom height of 2.0m and be designed to allow staff to access dogs and clean all parts of the unit safely. Where this is not feasible there must be a documented procedure in place to demonstrate the safety of staff.

2.2 Environmental conditions including sizes

(i) Dogs must be monitored to check if they are too hot or too cold. If an individual dog is showing signs of heat or cold intolerance steps must be taken to ensure the welfare of the dog.

(ii) A dog must be able to remove itself from a direct source of heat.

(iii) Dogs, particularly puppies, may be adversely affected by the sound of other barking dogs. Dogs under one year of age must be located in the quietest part of the establishment.

(iv) The kennel area must be large enough to allow for separate sleeping and activity areas. The kennel must allow each dog to be able to walk, turn around and wag its tail without touching the sides of the kennel. The dogs must have sufficient room to play, stand on their hind limbs and to lie down without touching another individual. The kennel size required will increase in relation to the size and number of dogs housed at any one time. The length and width must be sufficient to allow all the dogs to lie outstretched without their noses or tails touching the walls or other individuals.

(v) Dogs must have free access to the activity area at all times. In certain circumstances, it is permissible to have separate activity areas to sleeping areas but in such cases dogs must be given access to the activity area at regular intervals, at least four times a day. Any separate activity area must be fully cleaned and disinfected between uses by different groups of dogs.

(vi) Where adult dogs are kept, an outdoor exercise area must be available for toileting and exercise. It must be secure and escape proof to allow off lead activity.

(vii) Puppies must be housed in litter groups but have the ability to move away from litter mates.

(viii) Dogs kept in a domestic premises must have free access in at least one room, providing the size of this room meets the minimum enclosure sizes for dogs.

(ix) The minimum kennel sizes are listed in table C-01. Bitches with litters must be provided with double the space allowance. As puppies grow the space available to them must be increased accordingly.

2.3 Bedding and substrate

(i) Beds and bedding must be provided and be suitable to allow dogs to be comfortable. A dog bed must be of a durable construction, situated away from draughts, and be a suitable size for the breed of dogs kept. It must be large enough for each dog to be able to lie flat on its side.

(ii) Bedding must be kept clean, dry and parasite free. It must be cleaned and disinfected between new dogs.

(iii) Bedding must be capable of being easily cleaned and disinfected, or disposable, and all bedding material in use must be clean, non-irritant and dry. Any bedding must be soft and absorbent.

(iv) There must be some part of the sleeping area maintained at a minimum temperature relevant to the breed/type of dog. For most this is likely to be between 15°C and 26°C (this may require consideration for certain breeds, e.g. huskies).

TABLE C-01 MINIMUM KENNEL SIZES FOR DOGS

Dog weight	Minimum kennel area (m ²)	Kennel example dimensions (LxW) (m)	Minimum area per dog (m ²)	Minimum height of kennel (m)
<5kg	4	2 x 2	0.5	2
Over 5 to 10kg	4	2 x 2	1.0	2
Over 10 to 15kg	4	2 x 2	1.5	2
Over 15 to 20kg	4	2 x 2	2	2
Over 20-30kg	8	4 x 2	4	2
>30kg	These must be scaled up accordingly and must be proportionate			2

2.4 Cleaning

- (i) Each occupied kennel must be cleaned daily as a minimum.
- (ii) Dogs must be removed from the area whilst it is being cleaned.
- (iii) All dogs kept must benefit from adequate routine grooming and other health regimes as needed e.g. cleaning of eyes or keeping long fur from matting.
- (iv) Moveable items must be removed for cleaning and disinfection at least weekly.
- (v) Each unit must be thoroughly cleaned, disinfected and dried at a change of occupancy. This must be adequate to protect the new occupant from any disease or parasites of its predecessor. If certain diseases have been present, e.g. parvovirus, further actions and precautions are needed and veterinary advice must be sought.
- (vi) All bedding, water and feeding utensils must be changed and disinfected. All fittings must also be thoroughly cleansed and disinfected at that time.

2.5 Toileting

- (i) Dogs must have regular opportunities for toileting away from their sleeping area.
- (ii) Toileting area must be separate from the bedding area and puppy pads or similar material must be provided with the quantity determined by the number of puppies.
- (iii) Faeces must be removed from the kennel units as often as necessary and a minimum of twice a day.

2.6 Transporting and handling

- (i) When being transported, the licence holder must demonstrate that a suitable vehicle is available to transport the dogs. Dogs must be suitably restrained using a dog crate, cage or dog guard. Dog cages and crates must be of adequate size, designed to provide good ventilation and firmly secured out of direct sunlight and away from heating vents.
- (ii) Dogs must never be left unattended in vehicles for unreasonable periods and must never be left in a vehicle where the temperature poses a risk.
- (iii) If transporting dogs by road, sufficient breaks must be offered for water and the chance to go to the toilet.

3.0 Suitable diet**3.1 Diet**

- (i) Adult dogs must have their own feeding dish.
- (ii) Puppies must be fed as least four times daily at appropriate intervals. The diet must be appropriate for puppies.

(iii) Adult dogs must be fed at least once daily and in accordance with the individual dog's needs. Dogs must be fed a complete diet appropriate to their age, breed, activity level and stage in the breeding cycle.

(iv) If there are concerns about an individual dog's diet, veterinary advice must be sought.

(v) Food and water must be checked four times a day.

(vi) Weekly records of weight and body condition score (BCS) must be kept to ensure the health of puppies and adult dogs and to allow any issues to be tracked.

(vii) Dogs must not remain inappetent (without appetite) for longer than 24 hours without seeking veterinary advice.

3.2 Water

(i) Each adult dog must have a non-slip water bowl.

(ii) Water must be changed or refreshed as often as necessary and a minimum of once per day.

4.0 Monitoring of behaviour and training of animals

4.1 Enrichment

(i) All dogs must receive toys and / or feeding enrichment unless veterinary advice suggests otherwise. Items must be checked daily to ensure they remain safe.

(ii) A written programme must be available setting out a variety of enrichment both inside and outside including training, grooming, socialisation and play.

4.2 Exercise

(i) Opportunities to exercise must involve at least two walks per day for adult dogs, which may be on a lead and last for at least 20 minutes. Consideration must be given to life stage, physical and mental health and breed when planning daily exercise. Exercise must also involve opportunities to play and interact with humans.

(ii) Puppies cannot be walked so will require at least four opportunities, of at least 20 minutes each, to engage in play and human interaction during the day.

(iii) Dogs must be monitored whilst in outdoor exercise areas.

4.3 Behaviour

(i) The behaviour of individual dogs must be monitored daily. All staff must be able to identify dogs that are anxious or fearful about contact. Where a dog shows signs of being nervous, stressed or fearful, steps must be taken to address this.

(ii) A daily socialisation and habituation programme must be documented and implemented.

(iii) Puppies must be habituated to events likely to be encountered. This must include the sights and sounds in households. Introduction to novel sights and sounds must be gradual so that puppies do not show a fearful response such as startling or withdrawal.

(iv) Puppies must also be introduced to a variety of people including adults of both sexes, children of different ages, and people wearing a variety of clothing styles.

(v) Beneficial and positive contact can include grooming, exercise, play, petting and training as appropriate for the individual.

5.0 Animal handling and interactions

5.1 Handling

(i) Dogs must be protected from over handling by staff or the public as they require time to rest. Handling of dogs by customers must only take place with potential owners as an element of a socialisation programme.

(ii) Dogs must always be handled humanely and appropriately to suit the requirements of the individual dog and to minimise fear, stress, pain and distress. Dogs must never be punished so that they are frightened or exhibit aversive behaviour.

5.2 Puppies

(i) Weaned puppies must be housed with littermates.

(ii) Ideally, single dogs must not be left alone in a kennel, but where they are, special attention must be paid to specific human interaction and additional enrichment. When they are mixed they must be of similar age, temperament and there must be good supervision of mixing.

(iii) Puppies from separate litters must be responsibly paired or grouped with the correct monitoring in place, including consideration as to whether separation overnight is appropriate.

(iv) A plan must be in place to provide for additional enrichment and socialisation for any puppies that are held for longer than one month.

6.0 Protection from pain, suffering, injury and disease

6.1 New dogs

(i) In a domestic environment, there must be the capacity for all newly introduced dogs to be kept away from any litters of puppies or places where the litters go.

6.2 Prevention of disease etc.

(i) Litters of puppies must not be mixed until they have been on the premises for seven days or have shown no sign of infectious disease for seven days.

6.3 Excreta

(i) Storage of excreta must be away from areas where animals or food is kept.

6.4 Preventative treatment.

(i) Dogs must have current vaccinations against canine parvovirus, canine distemper, canine adenovirus/infectious canine hepatitis, leptospirosis when appropriate for their age.

(ii) Routine and documented treatment must be in place for internal and external parasites (adult dogs and puppies must be wormed and given flea and tick treatment as appropriate).

(iii) Vaccines used must be licensed by the Veterinary Medicines Directorate for use in the UK.

(iv) Homoeopathic vaccination is not acceptable.

(v) If there is evidence of external parasites (fleas, ticks, lice) the dog must be treated with a product authorised by the Veterinary Medicines Directorate. Treatment must be discussed with the veterinarian before administration.

6.5 Euthanasia

(i) Dogs must only be euthanased by a veterinarian.

6.6 Checking animals

(i) Premises must have procedures in place for providing for overnight care and during premises closures.

Annex 3.

Sale of Cats

1.0 Staffing

(i) There must be adequate staffing to feed and socialise kittens every 4-5 hours over a 16-hour period.

(ii) Cats must not be left for long periods without being assessed. Cats must be checked at least once in 8 hours during periods when the premises are closed, every 4 hours during normal opening hours and at least once in the overnight period outside normal opening hours.

2.0 Suitable environment

2.1 Risk of injury, illness and escape to be prevented

(i) All windows must be escape and entry proof at all times.

(ii) Doors must have secure latches or other closing devices.

(iii) Enclosures must be arranged to ensure separated animals are not in direct contact.

(iv) Units and exercise areas must open onto secure corridors or other secure areas.

2.2 Environmental conditions, including sizes

(i) For kittens under 26 weeks, the dimensions in Table D-01 must be used for minimum cage sizes.

(ii) Cats over 26 weeks must be kept in cattery-style pens, follow the Guidance for Providing Boarding for Cats.

(iii) Cat units must be large enough to allow for separate sleeping and activity areas. The unit must allow each cat to be able to walk and turn around without touching the sides of the unit. The cats must have sufficient room to play, stand on their hind limbs and to lie down without touching another individual.

(iv) The unit size required must increase in relation to the size and number of cats housed at any one time. The length and width must be sufficient to allow all the cats to lie outstretched without their noses or tails touching the walls or other individuals.

(v) In certain circumstances it is permissible to have separate exercise areas to sleeping areas but in such cases cats must be given access to the exercise area at least four times a day. Any separate exercise area must be fully cleaned and disinfected between use by different litters of cats.

(vi) Cats must have access to a variety of levels (e.g. shelving) in their runs unless advised differently due to a medical condition (e.g. cage rest). Raised areas must be easily accessible and ramps or steps may need to be used for very young or old cats.

(vii) Cats kept in a domestic premises may be kept in one room, providing the size of this room meets the minimum enclosure sizes for cats. Litters of kittens or cats from different sources must not be housed in the same room. If queens are already in a social group in the house, their litters may mix.

2.3 Bedding and substrate

(i) Cats must have a warm, soft, sleeping area, away from their litter tray and food. Bedding must be capable of being easily cleaned, disinfected and all bedding material in use must be clean, non-irritant and dry. Any bedding must be soft and absorbent.

(ii) All cats must be provided with a bedding area or bench, to allow the animal to lie comfortably.

2.4 Temperature

(i) For adult cats temperature in the sleeping area must stay between 15°C and 26°C.

(ii) Kittens must be provided with additional effective and safe heat sources. Nursing queens must have the opportunity to move away from the kittens and the additional heat source. Kittens without a queen require higher temperatures.

TABLE D-01 MINIMUM ENCLOSURE SIZES FOR KITTENS UP TO 26 WEEKS OF AGE

Cats	Minimum floor area (m ²)	Example dimensions (m) W x L	Minimum cage dimensions (m)	Minimum cage height (m)	Additional space
4 Kittens, <12wks old	1	1 x 1	0.6	0.6	0.25m ² / kitten
Single cat 12-26 weeks	0.85	0.9 x 0.95	0.9	1.8	-
Two cats 12-26 weeks	1.5	0.9 x 1.66	0.9	1.8	-
Three – four cats 12-26 weeks	1.9	0.9 x 2.1	0.9	1.8	-

2.5 Cleaning

(i) Cats must be separated from the area being cleaned e.g. placed in a cat carrier or separate unit.

(ii) Where required or beneficial to the individual cats, adequate routine grooming and other health regimes must be carried out e.g. cleaning of eyes or keeping long fur from matting.

2.6 Toileting

(i) Where there are multiple adult cats, there must be multiple litter trays, which must be accessible at all times. A litter of kittens must have two litter trays.

(ii) Faeces must be removed from the litter tray at least daily. Where there is excessive soiling it must be removed more frequently. A clean tray must be provided when cats are left overnight.

(iii) Litter trays must be placed as far away as possible from the resting and feeding areas.

(iv) Storage of excreta must be away from areas where animals or food is kept.

(v) Litter trays must be large enough to allow the cat to move around, dig and cover faeces and urine. A suitable absorbent material for litter must be provided and must be deep enough (at least 3cm for adult cats) to absorb the urine and allow the cat to dig and cover.

2.7 Cleaning

(i) Moveable items must be removed for cleaning at least weekly.

(ii) Litter trays must be completely emptied, cleaned and disinfected at least once a week or more frequently as required.

(iii) Disinfectants which are toxic to cats must not be used e.g. phenol-based.

2.8 Transporting and handling

- (i) Cats must always be transported in a suitably sized and firmly secured cat carrier which allows an ability to hide and with suitable ventilation.
- (ii) There must be one cat per carrier except for a litter of kittens. Kittens under 8 weeks must be transported with their mother except if she is ill/dead.

3.0 Suitable diet

3.1 Diet

- (i) Cats must be fed a diet appropriate to their age, breed, activity level and stage in the breeding cycle.
- (ii) Kittens less than 12 weeks of age must be fed at least four times daily, at appropriate intervals, with more frequent intervals for hand-reared kittens.
- (iii) Cats must have their own feeding and water dish. These must be separate receptacles.
- (iv) Each queen must have access to food that is not accessible to the kittens.
- (v) Cats must be fed at least twice per day and in accordance with the individual cat's needs.
- (vi) Food and water must be placed away from the litter tray and each other, ideally at least 60cm apart.

3.2 Monitoring

- (i) Food and water must be checked four times a day.
- (ii) Weekly records of weight and body condition score must be kept to ensure health of kittens under 6 months and to allow any issues to be tracked.
- (iii) Monthly records of weight and BCS must be kept to ensure the health of adult cats and to allow any issues to be tracked.
- (iv) Cats must not remain inappetent for longer than 24 hours without seeking veterinary advice.

3.3 Water

- (i) Each adult cat must have a non-slip water bowl.

4.0 Monitoring of behaviour and training of animals

4.1 Enrichment

- (i) All cats must have the opportunity for predatory behaviour and play specific to the needs of that cat. Kittens must have at least four play sessions a day.
- (ii) There must be environmental enrichment in all cages such as toys, climbing frames and platforms. Toys must be easily cleaned or replaced between litters. Items must be checked daily to ensure they remain safe.

4.2 Exercise

- (i) All cats must have a provision for daily exercise appropriate for breed, age, ability and physical capability.
- (ii) Exercise must involve the opportunity to play and interact with people, taking care to ensure that this contact does not cause the cats, particularly kittens, stress.

4.3 Behaviour

(i) A daily socialisation and habituation programme must be documented and implemented for kittens less than 12 weeks. Kittens must have positive interactions with a variety of people. They must be gently introduced to handling, grooming, being lifted and touched all over. Kittens must be positively exposed to sights, sounds, tastes, textures and smells that they are likely later to encounter in the environment in which they are going to live.

5.0 Animal handling and interactions

5.1 Handling

(i) Cats must be protected from over handling by staff or the public as they require time to rest. Handling of cats by the public must only take place with potential purchasers as an element of a socialisation programme.

(ii) Cats must always be handled humanely and appropriately to suit the requirements of the individual cat and to minimise stress and distress, such as anxiety, fear, frustration and pain. Cats must never be punished so that they are frightened or exhibit aversive behaviour. Scruffing of cats (picking up a cat by the scruff of its neck) must not be done except as an absolute last resort.

5.2 Kittens

(i) Litters must not be routinely mixed and if several litters are kept in one area then the pen must have solid sides to prevent direct contact or by sneezing with each different litters.

(ii) Single kittens must receive additional human interaction.

(iii) Kittens should only ever be mixed when their queens have already mixed e.g. in a domestic house. Litters from different sources must never be mixed.

5.3 Interaction with people

(i) Cats must have beneficial human contact and interaction e.g. staff on a daily basis. Interaction contact sessions with cats must each last for a minimum of 10 minutes and must occur on three separate, evenly spread, occasions during the day. Kittens must be visited a minimum of 4 times per day with 20 minutes of interaction per litter.

(ii) A plan must be in place to provide for additional enrichment and socialisation for any kittens that are held for longer than one month.

6.0 Protection from pain, suffering injury and disease

6.1 Preventative treatment.

(i) Cats must have current vaccinations against feline parvovirus (aka feline infectious enteritis, feline panleukopenia) and against feline respiratory viruses (feline herpesvirus and feline calicivirus) when appropriate for their age.

(ii) Homoeopathic vaccination is not acceptable.

(iii) If there is evidence of external parasites the cat must be treated with a product authorised by the Veterinary Medicines Directorate. Treatment must be discussed with the veterinarian before administration.

Annex 4. Rabbits

1.0 Suitable Environment

(i) Slatted, grid or wire mesh floors must not be used in rabbit accommodation.

1.1 Environmental conditions, including sizes

(i) Enclosures must be large enough for rabbits to be able to stand fully upright on their haunches without their ears touching the roof and lie fully outstretched (without touching the sides of the enclosure or another rabbit).

(ii) Where rabbits are housed in hutches, provision must be made for regular exercise in a secure area outside of the hutch.

(iii) Minimum enclosure sizes must be adhered to as described in table E-01

TABLE E-01 MINIMUM ENCLOSURE SIZES FOR RABBITS

Weight of rabbit	Maximum stocking density	Minimum floor area (m ²)	Example dimensions (m) W x L	Minimum cage height (m)	Additional floor area for each additional animal (m ²)
Up to 4kg	4	0.4	1 x 0.4 or 0.8 x 0.5	0.4	0.1
4 – 6kg	2	0.4	1 x 0.4 or 0.8 x 0.5	0.5	0.2
Over 6kg	2	0.6	1 x 0.6 or 1.2 x 0.5	0.6	0.3

TABLE E-02 MINIMUM ENCLOSURE SIZES FOR SMALL RABBITS – OPTIONAL HIGHER STANDARDS

Weight of rabbit	Maximum stocking density	Minimum floor area (m ²)	Example dimensions (m) W x L	Minimum cage height (m)	Additional floor area for each additional animal (m ²)
Up to 4kg	4	0.67	1 x 0.67 or 0.8 x 0.8	0.45	0.3 (approx 45%)
4 – 6kg	2	0.86	1 x 0.86 or 0.9 x 0.9	0.6	0.33 (approx 38%)
Over 6kg	2	0.86	1 x 0.86 or 0.9 x 0.9	0.6	0.4 (approx 45%)

1.2 Bedding and substrate

(i) Rabbits must be provided with a suitable nesting material in sufficient amounts. Suitable nesting materials include good quality dust-free hay.

(ii) Rabbits must be provided with a suitable litter and substrates in sufficient amounts. Suitable litter materials include dust-free wood shavings, supplemented with hay.

(iii) Sawdust is not suitable as either nesting or litter materials.

1.3 Temperature

(i) Ambient temperature should be no lower than 12°C and no higher than 26°C.

(ii) In very hot weather, cooling procedures must be in place, such as, but not limited to, fans to increase air movement, ice packs or air conditioning.

(iii) In cold temperatures, extra nesting material must be provided, unless alternative temperature control is provided e.g. heating.

1.4 Light

(i) An example of a suitable light-dark cycle for rabbits is 12 hours light:12 hours dark. Outdoor rabbits are subject to seasonal light variation.

1.5 Toileting

(i) Litter trays must be provided that are impermeable, easy to clean and disinfect or be disposable. Where used litter trays must be deep cleaned at least weekly.

1.6 Transporting and handling

(i) Rabbits must be able to sit, lie down and turn around in the carrier.

(ii) Pregnant does are not to be transported within ten days of their expected birth date unless on veterinary advice. Veterinary advice must also be sought before transporting lactating does and kittens. If nursing does and kittens are to be transported they require additional care including adequate bedding and nesting material.

1.7 Housing and competition

(i) There must be sufficient cover for each rabbit housed within an enclosure and there must be two entrance/exit points to prevent monopolisation.

2.0 Suitable Diet

2.1 Diet

(i) All rabbits must be fed a suitable diet primarily consisting of a constant supply of ad lib fresh hay. Hay needs to be free from contamination.

(ii) A small portion of commercially available rabbit foods can be given to supplement the primary diet of hay. Food must be appropriate to the age and breed of the rabbit and manufacturer's instructions must be followed. Licence holders must ensure that selective feeding is considered when selecting muesli or other similar type foods.

(iii) If used, leafy greens and treat foods must be given in moderation and in small amounts as appropriate to the individual rabbit.

(iv) A veterinarian must be consulted if there is no improvement where a rabbit has mild anorexia or reduced appetite within 12 hours of onset or the condition of the individual(s) deteriorates.

(v) A veterinarian must be consulted if a rabbit shows signs of constipation or diarrhoea.

2.2 Water

(i) Water may be provided in a clean gravity fill drinking bottle (which must be of a suitable size for the individual), automatic drinkers, or in bowls. Bowls are not suitable if kittens are present.

(ii) Any changes to drinking receptacles must be made gradually and drinking monitored to ensure animals are drinking normally.

3.0 Monitoring of behaviour and training of animals

- (i) Suitable enrichment items include, but are not limited to, tunnels, paper bags filled with hay, willow sticks/balls and branches from non-toxic, untreated fruit trees (e.g. apple).
- (ii) New objects must be introduced carefully and not exchanged daily.

4.0 Animal Handling and Interactions

4.1 Handling

- (i) Rabbits must be protected from over handling by staff or the public. Handling of rabbits by a third party must only take place with potential owners as an element of a socialisation programme.
- (ii) Rabbits must not be placed on their back in positions of tonic immobility, or picked up by the scruff of their neck or ears.

4.2 Interactions

- (i) Rabbits must be correctly sexed.
- (ii) All efforts must be made to ensure rabbits are not housed singly. Where this is unavoidable, special attention must be paid to specific human interaction and they must be provided with extra enrichment. A plan must be in place for all singly housed rabbits.
- (iii) Rabbits must not share accommodation with guinea pigs.

5.0 Protection from Pain, Suffering, Injury and Disease

5.1 Disease prevention

- (i) Advice that rabbits should be vaccinated against myxomatosis and rabbit haemorrhagic disease (aka RHD 1 and 2) must be provided with sales.

5.2 Checking

- (i) Rabbits' front teeth and nails must be checked regularly unless inappropriate at the stage of the breeding cycle, and treated as necessary, to ensure they are not overgrown or misaligned - only a veterinarian may correct overgrown/misaligned teeth. Rabbits must have a pre-mating check and then a check at weaning time.

Annex 5.

Sale of Guinea Pigs

1.0 Suitable Environment

1.1 Risk of injury, illness and escape to be prevented

(i) Slatted, grid or wire mesh floors must not be used in guinea pig accommodation.

1.2 Environmental conditions, including sizes

(i) Minimum enclosure sizes must be adhered to as described in table F-01.

(ii) Accommodation needs to be of sufficient size to allow all the guinea pigs housed to be able to lie fully outstretched (without touching the sides of the enclosure or another guinea pig), run, play, tunnel and stand without touching the roof of the enclosure.

(iii) Ramps must be no steeper than 45° as guinea pigs are poor climbers.

(iv) Where guinea pigs are housed in hutches, provision must be made for regular exercise in a secure area outside of the hutch.

(v) Guinea pigs must be provided with constant access to places to hide, which may include hay piles, in addition to their sleeping area. At a minimum each hiding place is to be large enough to allow one guinea pig to rest alone.

TABLE F-01 MINIMUM ENCLOSURE SIZES FOR GUINEA PIGS

Type	Stocking density	Minimum floor area (m ²)	Example dimensions (m) W x L	Minimum cage height (m)	Additional floor area for each additional animal (m ²)
Guinea pig	1-4	0.23	1 x 0.23 or 0.52 x 0.52	0.3	0.09 (approx. 33%)

1.3 Bedding and substrate

(i) Guinea pigs must be provided with a suitable nesting material in sufficient amounts. Suitable nesting materials include, but are not limited to, good quality dust-free hay and/or shredded paper.

(ii) Guinea pigs must be provided with a suitable litter in sufficient amounts. Suitable litter materials include dust-free wood shavings, supplemented with hay.

(iii) Sawdust is not suitable as either nesting or litter materials.

1.4 Temperature

(i) Extreme temperatures must be avoided, outside of 12 – 26°C. Sufficient nesting material can help achieve this. In very hot weather, cooling procedures must be in place, such as, but not limited to, fans to increase air movement, ice packs or air conditioners.

1.5 Transporting and handling

(i) Guinea pigs are only to be transported in suitable carriers and must not be mixed with unfamiliar animals in the same carrier. The carrier must be of an appropriate size so that it is not overcrowded.

1.6 Housing and competition

(i) There must be sufficient cover for each guinea pig housed within an enclosure and there must be two entrance/exit points to prevent monopolisation.

2.0 Suitable Diet

2.1 Diet

(i) All guinea pigs must be fed a suitable diet primarily consisting of a constant supply of ad lib fresh hay. Hay needs to be free from contamination.

(ii) Guinea pigs must have sufficient vitamin C in their diet as they are unable to synthesise this specific vitamin. Therefore, a portion of specific guinea pig food must be given daily or alternatively, a stabilised vitamin C commercially available supplement can be provided. Care must be taken in product selection and suitability and if in doubt the veterinarian must be consulted.

(iii) Guinea pigs can also be given a portion of washed leafy green vegetables daily.

(iv) Commercially available guinea pig foods can be given to supplement the primary diet of hay. These must be appropriate to the age and breed of the guinea pig and manufacturer's instructions must be followed. Staff must ensure that selective feeding is considered and mitigated when selecting muesli or other similar type foods.

2.2 Monitoring

(i) A veterinarian must be consulted if there is no improvement where a guinea pig has mild anorexia or reduced appetite within 12 hours of onset or the condition of the individual(s) deteriorates.

(ii) A veterinarian must be consulted if a guinea pig shows signs of constipation or diarrhoea.

(iii) Water may be provided in a clean gravity fill drinking bottle (which must be of a suitable size for the individual), automatic drinkers, or in bowls.

(iv) Any changes to drinking receptacles must be made gradually and drinking monitored to ensure animals are drinking normally.

3.0 Monitoring of behaviour and training of animals

(i) Suitable enrichment items include, but are not limited to, tunnels, paper bags filled with hay, willow sticks/balls and branches from non-toxic, untreated fruit trees (e.g. apple).

4.0 Animal Handling and Interactions

4.1 Handling

(i) Guinea pigs are not to be placed on their back in positions of tonic immobility, nor must they be picked up by the scruff of their neck.

4.2 Interactions

(i) Guinea pigs must be housed in single sex groups unless sold/used for breeding.

(ii) Guinea pigs and rabbits must not share the same accommodation.

5.0 Protection from Pain, Suffering, Injury and Disease

5.1 Checking

(i) Guinea pigs front teeth and nails must be checked regularly, unless inappropriate at the stage of the breeding cycle, and treated as necessary, to ensure they are not overgrown or misaligned - only a veterinarian may correct overgrown/misaligned teeth. Guinea pigs in breeding harems must be checked as appropriate based on the management system.

Annex 6.

Sale of Ferrets

1.0 Suitable Environment

1.1 Risk of injury, illness and escape to be prevented

(i) Slatted, grid or wire mesh floors must not be used in ferret accommodation.

1.2 Environmental conditions, including sizes

(i) Minimum enclosure sizes must be adhered to as described in table G-01

(ii) Accommodation needs to be of sufficient size to allow all the ferrets housed to be able to lie fully outstretched in any direction, run, forage, explore or play, as well as to stand fully upright without touching the roof of the enclosure.

(iii) Ferrets must be provided with constant access to places to hide. As a minimum, each hiding place must be large enough to allow one ferret to rest alone.

TABLE G-01 MINIMUM ENCLOSURE SIZES FOR FERRETS

Type	Maximum stocking density	Minimum floor area (m ²)	Dimensions (m) W x L	Minimum dimension (m)	Minimum cage height (m)	Additional floor area for each additional animal (m ²)
<12 week old ferret	1-4	1	1 x 1 or 1.66 x 0.6	0.6	0.6	0.25 (approx. 25%)
>12 week old ferret	1	0.6	1 x 0.6 or 0.77 x 0.77	0.6	0.6	0.6

1.3 Bedding and substrate

(i) Sleeping areas need to be dry, draught-free, well ventilated and clean as well as large enough to allow all the ferrets housed to rest together fully outstretched, turn around unimpeded and move around comfortably. Appropriate bedding materials include good quality dust-free hay and/or shredded paper, or fabric items that can be laundered (although these must be monitored for chewing/damage and removed and replaced as necessary).

(ii) Ferrets must be provided with a suitable substrate in sufficient amounts to allow foraging and other behaviours. Suitable litter materials include dust-free wood shavings, supplemented with dust-free hay.

(iii) Sawdust and sand are not suitable as either nesting or litter materials.

1.4 Temperature

(i) Ambient temperatures should be no lower than 12°C and no higher than 26°C.

(ii) In very hot weather, cooling procedures must be in place, such as, but not limited to, fans to increase air movement, ice packs or air conditioning.

(iii) In cold temperatures, extra nesting material must be provided, unless alternative temperature control is provided e.g. heating.

1.5 Light

(i) Ferrets need to experience appropriate light: dark cycles (minimum of 8 hours light and 16 hours dark; this is not to exceed 16 hours light and 8 hours dark).

1.6 Toileting

(i) Ferrets require space for their toilet area removed from their sleeping or eating areas. Litter trays can be placed in this area to assist with cleaning.

1.7 Housing and competition

(ii) There must be at least one hiding place for each ferret housed within an enclosure and there must be two entrance/exit points to prevent monopolisation.

2.0 Suitable Diet

2.1 Diet

(i) All ferrets must be fed a suitable, complete ferret diet, provided at appropriate intervals.

(ii) Ferrets must not be fed dog or cat food, as these contain cereal and plant proteins which ferrets are unable to digest. For the same reason, bread or cereals must also not be given to ferrets.

(iii) Ferrets mustn't be given anything that contains small bones, excluding day old chicks.

2.2 Monitoring

(i) A veterinarian must be consulted if there is no improvement in poor intake or anorexia within 24 hours of onset or if the condition of the individual(s) deteriorates.

2.3 Water

(i) Where water is supplied in bowls they must be heavy based.

3.0 Monitoring of behaviour and training of animals

3.1 Enrichment

(i) There must be environmental enrichment in all enclosures.

(ii) Ferrets must not be given enrichment made of rubber, due to the risk of ingestion leading to intestinal blockages if chewed and swallowed.

3.2 Exercise

(i) Ferrets need access to an area in which to exercise.

4.0 Animal Handling and Interactions

4.1 Handling

(i) Ferrets must not be lifted using only one hand.

4.2 Interactions

(i) Ferrets must be housed in single-sex groups or pairs, ideally comprising of littermates or individuals introduced as juveniles.

(ii) Being induced ovulators, adult jills must be prevented from remaining in season to mitigate oestrogen related diseases. Veterinary advice must be sought about reproductive management. This must be documented and the reproductive issues explained to prospective purchasers.

5.0 Protection from Pain, Suffering, Injury and Disease

5.1 Preventative treatment

(i) The purchaser must be advised that ferrets should be vaccinated against canine distemper, usually at 6-8 weeks of age and again at 10-12 weeks old, thereafter annually but as per manufacturer's recommendations.

5.2 Checking

(i) Ferrets nails must be checked regularly to ensure they do not become overgrown.

Annex 7.

Sale of Domestic Small Rodents

'Domestic small rodents means hamsters, gerbils, rats, mice, chinchillas, degus.

1.0 Suitable Environment

1.1 Risk of injury, illness and escape to be prevented

- (i) If wire cages are used, bars must be narrow enough to avoid the risk of escape.
- (ii) Slatted, grid or wire mesh floors are not to be used in small animal accommodation. Chinchillas can be housed in cages with wire mesh floors if there are areas of alternative flooring such as solid wood.
- (iii) Minimum enclosure sizes must be adhered to as described in table H-01.

TABLE H-01 MINIMUM ENCLOSURE SIZES FOR SMALL MAMMALS (RODENTS)

No. of animals	Area per number of animals (cm ²)							Minimum cage height (cm)	Minimum cage depth (cm)
	1-4	5	6	7	8	9	10		
Mice, hamsters,	680	790	900	1000	1113	1240	1350	25	25
Gerbils	680	790	900	1000	1113	1240	1350	30	25
Rats	1350	1570	1800	2020	2225	2470	2700	30	28
Degus	2250	2630	3000	3380	3750	4130	4500	30	30
Chinchillas	2500	3750	5000	6250	7500	8750	10000	45	45

1.2 Environmental conditions, including sizes

- (i) Every animal must be able to lie fully outstretched, turn around unimpeded, stand fully upright without touching the cage roof, hide, dig, run and play.
- (ii) Sleeping areas need to be dry, draught-free, well ventilated and clean as well as large enough to allow all the small rodents housed to rest together fully outstretched, turn around unimpeded and move around comfortably.

1.3 Bedding and substrate

(i) Small rodents must be provided with suitable nesting material in sufficient amounts. The type used will depend on the animal kept; see list below. Small rodents must not be given nesting materials which can separate into thin strands, e.g. cotton wool. Suitable nesting materials for small rodents include, but are not limited to:

- Hamsters - hay, wood wool, shredded paper or cardboard.
- Rats and mice - hay, shredded paper, paper strips and paper tissues.
- Gerbils - ink-free cardboard (e.g. empty toilet rolls, egg boxes, plain cardboard boxes) or paper and hay.
- Chinchillas and degus must be provided with constant access to a nest box filled with hay.

(ii) Any hay, nesting materials and substrates provided must be good quality and dust-free.

(iii) Small rodents must be provided with a suitable litter and substrate in sufficient amounts. There are a number of different litters available and the type will depend on the animal kept. Suitable materials include but are not limited to:

- Hamsters - dust-free wood shavings or granulated corn-cob
- Rats and mice - non-aspen woodchips, cellulose based chips or shredded paper
- Gerbils - peat-free compost or rough-grained woodchip/hay mix.
- Chinchillas - shredded paper, dust-free wood shavings and hay.

- Degus - dust-free wood shavings and hay.

(iv) Small rodents must be provided with constant access to places to hide, in addition to their sleeping area. As a minimum each hiding place needs to be large enough to allow one individual to rest alone.

1.4 Temperature

(i) Temperatures must be appropriate to species specific or life stage consideration. In general ambient temperatures must not go below 12C or exceed 26C.

(ii) High temperatures above 18C can be detrimental to chinchillas and extra checks and precautions must be made on these in very hot weather.

(iii) Providing sufficient nesting material can help achieve these temperatures.

1.5 Handling and transport

(i) Small rodents must be transported in suitable carriers and must not be mixed with unfamiliar animals (in the same carrier). They must be transported with their companion small rodent(s), where applicable, and the carrier is to be of an appropriate size so that it is not overcrowded.

2.0 Suitable Diet

2.1 Diet

(i) All small rodents must be fed a suitable diet, with food always available to them.

(ii) Chinchillas and degus must have constant access to good quality dust-free hay.

(iii) All small rodents must be fully weaned on admission.

2.2 Monitoring

(i) If there is no improvement in poor intake or not eating within 12 hours or the condition of the individual deteriorates, a veterinarian must be consulted.

(ii) A veterinarian must be consulted if a small mammal shows signs of constipation or diarrhoea.

2.3 Water

(i) Water must be provided in a bottle or automatic water systems and located away from the sleeping area to help prevent this becoming damp/waterlogged if the bottle leaks.

3.0 Monitoring of behaviour and training of animals

3.1 Enrichment

(i) Suitable enrichment items include, but are not limited to, tunnels, paper bags filled with hay, willow sticks/balls and branches from non-toxic, untreated fruit trees (e.g. apple).

(ii) Chinchillas and Degus must be given the opportunity to use a sand bath by offering one on a regular basis, e.g. 10 minutes daily. This should not be permanently available.

(iii) Small mammals must not be given enrichment made of rubber, due to the risk of ingestion leading to intestinal blockages if chewed and swallowed.

4.0 Animal Handling and Interactions

4.1 Handling

(i) Small rodents must not be picked up by the scruff of their necks, ears or unsupported by the tail, nor must they be placed on their backs in positions of tonic immobility. Picking small mammals up unsupported by the tail can result in their tail breaking or the skin sloughing off (degloving). Additionally, if chinchillas are handled roughly they may shed some of their fur.

4.2 Interactions

(i) All small rodents must be housed in single sex groups unless a solitary species (or sold/used for breeding).

(ii) Small rodents must only be housed with other rodents of the same species.

5.0 Protection from Pain, Suffering, Injury and Disease

5.1 Checking

(i) The front teeth and nails of every small rodent must be checked monthly, unless inappropriate at the stage of the breeding cycle, to ensure they are not overgrown or misaligned - only a veterinarian may correct overgrown/misaligned teeth. They should have a pre-mating check and then a check at weaning time.

Annex 8

Sale of Other Non-Domestic Species (Mammals)

Other Non-Domestic Species (Mammals)' includes any other mammal that is offered for sale excluding those already listed in this document or is any mammal not normally domesticated in Great Britain.

1.0 Use, Number and Type of Animal

- (i) Staff must have demonstrable knowledge of the species or a closely related species.
- (ii) Staff must comply with UK legislation with regard to the selling or procurement of invasive alien species.

2.0 Staffing

- (i) 'Other non-domesticated species' covers a wide range of species seen in general trade. When approaching a novel species, it must be ensured that the same welfare requirements are met as for other species.
- (ii) Note that courses and qualifications relevant to pet vending may not cover the care of other non-domesticated species, particularly those that are less commonly traded.
- (iii) Primary sources of information and guidance on appropriate standards of care include, where they are available, government-issued Codes of Practice, husbandry guidelines from the zoo industry, guidance notes for related Dangerous Wild Animals Act Schedule listed species or other peer reviewed, industry or competent non-governmental organisation produced guidance materials.
- (iv) Inspectors unfamiliar with individual novel species are strongly advised to seek appropriate competent advice, for instance zoo licence inspectors, experienced private keepers or breeders or appropriately qualified individuals, including veterinarians listed on the British Veterinary Zoological Society (BVZS) website.
- (v) Where specialist advice is required it is recommended that copies of training and husbandry documents are retained and secondary opinions sought.

3.0 Suitable Environment

- (i) Where available, government-issued Codes of Practice must be adhered to. Licence holders must ensure that animals are maintained to a minimum standard as outlined in zoo standards, or industry or competent non-governmental organisation recommendations. Where these do not exist, standards for similar or related species must be considered as to their appropriateness and standards extrapolated.
- (ii) Note: where using non-vending standards consideration must be given to the situation of the animal and whether it is in permanent accommodation or transitional vending accommodation, if the latter then it must be noted that most husbandry guidelines focus on permanent accommodation which may not be appropriate in a vending premises and smaller areas could be considered.
- (iii) Other aspects of care are likely to apply but common sense must be applied to each individual situation.
- (iv) Where there are no similar species and no husbandry guidance notes, or similar, then the inspector must seriously question licensing the licence holder to stock and sell to the general public those species.
- (v) In many cases, handling is not in the animal's best interests and in such cases must be kept to a minimum.

Annex 9.

Sale of Birds

1.0 Use, Number and Type of Animal

(i) Staff must have demonstrable knowledge of the species or a closely related species.

2.0 Suitable Environment

(i) Care must be taken where aviaries or cages are constructed of newly galvanised mesh to prevent heavy metal poisoning, particularly in psittacines which will often chew the metal. The licence holder must be able to demonstrate the steps taken to minimise or prevent any poisoning.

2.1 Environmental conditions, including enclosure sizes

(i) All immature arboreal birds, at the point of fledging and for several following weeks, require larger cage sizes in order to stimulate flight.

(ii) Where a bird uses a cage for sleeping, and the vast majority of the day is spent outside of the cage in a flight aviary where it is given the option to fly, then the cage must be a minimum of 1.5x the bird's flying wingspan for each of the length, depth and height of the cage.

(iii) For birds that spend the majority of their time in the cage, the cage must be a minimum of 2x the bird's flying wingspan for the length, and 1.5x flying wingspan for the depth and height of the cage. A pair of birds must have enough space to fly past each other with the depth being increased to a minimum of 2x flying wingspan.

(iv) In multiple occupancy cages, for every additional bird over two birds the cage dimensions must be increased by a set percentage per additional bird (either length or width or split between the two dimensions) of the individual's flying wingspan for that species as outlined in table J-02. Larger sizes are preferred and recommended. See table J-01 for specific examples.

(v) In cases where the flying wingspan is unknown a rough estimate of 2 - 3 times the length of the bird (bill-tip to tip of longest tail feather) can be used as a guide for flying wingspan.

(vi) Where non-flying birds are kept, enclosure dimensions must reflect current best practice for the individual species using sources similar to those outlined for mammals in Schedule I, Section 3.0 and 4.2.

(vii) Birds that are ordinarily confined to smaller enclosures for the specific purpose of egg-laying and/or rearing of chicks (particularly chickens and pigeons) are exempted from the cage size dimensions referenced. However, the time kept in these enclosures should be minimised and should not, in any case, exceed 5 months in any one 12 month cycle. Businesses must also provide outcome based evidence to demonstrate that the welfare of the birds is being met with reference to guidance in the rest of this document, and ensure that they are complying with the legal requirements laid down in other relevant legislation.

(viii) Where appropriate for the species outdoor aviaries must include sufficient sheltered and non-sheltered space. Shelter must be sufficient to allow all the birds to be undercover at the same time and preferably a third of a typical aviary should be covered with wind and rain-proof materials.

(ix) Where a separate flight aviary is available, the licence holder must be able to demonstrate the frequency with which the birds have access to this larger aviary to the inspector. This must be a demonstrable minimum of 6 hours in a 24 hour period on a daily basis.

(x) The mesh gauge must be small enough that birds housed within cannot put their head or wing through it. The mesh must be stout enough that the birds cannot break or bend it.

(xi) As appropriate to species, birds must be given access to water for bathing and preening to encourage feather health.

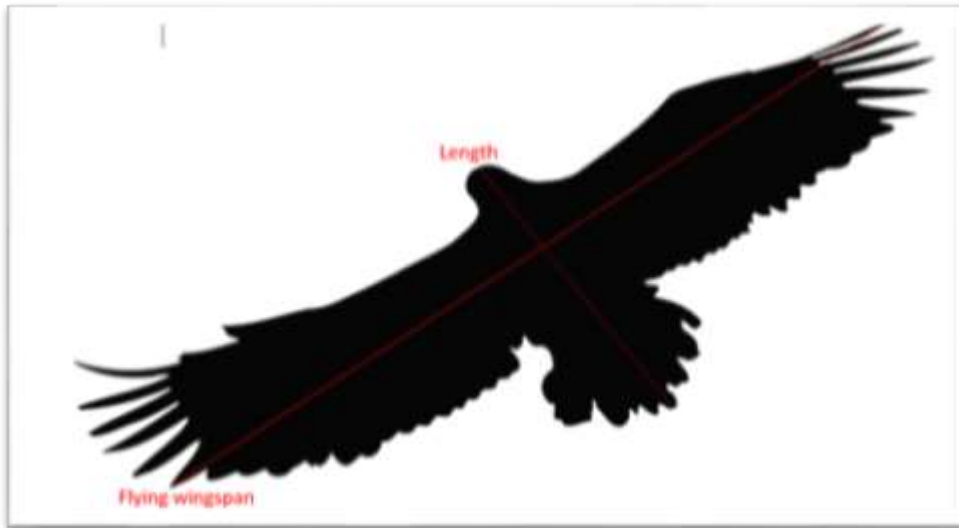
(xii) Birds must not be exposed to toxic or cooking fumes in the areas where they are kept as these can be toxic to the birds e.g. Teflon poisoning. Aviaries or cages must not be located in or next to kitchens or bathrooms.

(xiii) Outside aviaries should have a covered roof of debris netting or be of solid construction in order to protect against avian influenza which might be present in migratory waterfowl.

TABLE J-01 MINIMUM ENCLOSURE SIZES FOR BIRDS

Species	Length of bird (head to tip of tail) (cm)	Average length of flying wingspan (cm)	Minimum cage dimensions to allow flight (single birds only)* (cm) (L 2x wingspan, D/H 1.5x wingspan)			Examples for % enclosure size increase for each additional bird >2 birds
			L	D	H	
Psittacines						
Budgerigar	18	30	60	45	45	5
Cockatiel	30	48	96	72	72	10
Love bird	15	28	56	42	42	10
Small parakeets and conures	20	35	70	52.5	52.5	10
Large parakeets, conures and small macaws	34	70	140	105	105	20
Amazon parrots	30	60	120	90	90	20
African grey (inc Timneh)	34	70	140	105	105	20
Cockatoo (small - medium)	35	75	150	112.5	112.5	20
Large cockatoos and macaws	85	110	220	165	165	20
Cage and aviary birds						
Canary	10 -12	22	44	33	33	5
Zebra finch	10 -12	22	44	33	33	5
Pigeon	35	70	140	105	105	10
Turaco	40-50	50	100	75	75	20

*For multi-occupancy cages, the dimensions must be a minimum of 2 x flying wingspan for length, height and depth, with stocking allowing all birds access to resources, particularly perching.



J-02 Avian enclosure size increases for multiple occupancy		
Additional increase per number of birds over two birds e.g. three <50g birds is 5% increase, for every additional bird the increase will be an additional 5%		
INDIVIDUAL BIRD WEIGHT RANGE	% INCREASE OF LENGTH OR WIDTH	EXAMPLE SPECIES
<50g	5	Budgies, Canaries, Zebra finches and other small finches
50-100g	10	Cockatiel, lovebirds, small parakeets or conures and pigeons
>100g	20	Larger species e.g. macaws, medium or large parrots.

2.2 Bedding and substrate

(i) There must be adequate perching space for all birds at the same time. Perches must be positioned to encourage activity, preferably flight, and so that birds do not defecate on each other or into food receptacles.

(ii) Flooring (for ground dwelling birds) and perching must be varied and non-abrasive to prevent bumblefoot.

2.3 Temperature

(i) Species which originate from tropical or sub-tropical zones must not be subjected to temperatures below 5C, except where there are known exceptions. These species should be housed at temperatures between 12C and 26C (where appropriate for the species).

2.4 Light

(i) Lighting levels must approximate those of daylight with regard to intensity and colour.

(ii) Species requiring UVB lighting must have appropriate UVB emitting lamps manufactured for use with birds. These must be replaced according to manufacturer's

recommendations, and effective provision must be monitored through the use of a UV meter. Evidence to this effect must be demonstrable to inspectors.

2.5 Cleaning

(i) Faeces and urates must be removed at least once a week, but more frequently as required. For species which are in poor health, or which should not be disturbed during breeding seasons, cleaning should be minimised, provided that appropriately hygienic living conditions are maintained.

(ii) Flooring must be drop-through or easily cleaned, with consideration of selection of substrate type and minimal disturbance for ground dwelling birds.

3.0 Suitable Diet

3.1 Diet

(i) Birds that require it must have a constant supply of food.

(ii) Food supplements must be provided as appropriate to the species concerned.

(iii) Specialist feeding practices must be taken into consideration in aviary design e.g. access for breeding aviaries or flycatcher manure piles. At times these may be in perceived conflict with expectations for hygiene and where in doubt specialist advice must be sought. Licence holders must be able to demonstrate the rationale behind any specialist feeding practices being utilised.

4.0 Monitoring of behaviour and training of animals

4.1 Enrichment

(i) Enclosures must be designed, furnished and of a size which allows inhabitants to exhibit a range of natural behaviours, including flying, climbing and hiding as appropriate.

(ii) Psittaciformes, and other species as appropriate, must be provided with suitable toys which encourage them to play and to 'forage' for foods.

(iii) Cages and aviaries must have at least one side (one of its horizontal dimensions) clad in an opaque material, so that the occupants are not vulnerable on all sides to viewing and disturbance.

(iv) Birds of prey subject to restraint by tethering for part of their lives must be flown at least four times a week unless tethered under veterinary advice for medical treatment. Licence holders must not permanently tether any bird. All birds must be given the opportunity to fly or move around freely during part of the year, for example in an aviary (free lofted) for rest periods from sale, demonstrations, breeding or moulting. The recommended period is a minimum of one month in a twelve-month period but daily or overnight is preferred.

4.2 Habituation

(i) Handling must be kept to a minimum at all times except where the licence holder can demonstrate that it is in the best interest of the animal e.g. for the purpose of health checking, flying birds of prey etc.

5.0 Animal Handling and Interactions

5.1 Interactions

(i) Birds must be kept in social groups suitable to the species. Where this is unavoidable, special attention must be paid to specific human interaction and they must be provided with extra enrichment. A plan must be in place for all singly housed birds

- (ii) Decisions to pair- or group-house social bird species must be made by suitably trained and competent staff.
- (iii) Compatible species-specific sex ratios and suitable group sizes must be observed bearing in mind potential for persistent aggression.
- (iv) Only compatible species must be kept communally.
- (v) In particular, consideration for management of psittacine species, known to be sociable and live in flock situations, must be shown in the housing arrangements and stocking densities.
- (vi) All immature birds must be housed with, OR housed in close proximity to, others of their own or similar species, using adjacent cages or aviaries where they are in visual contact.
- (vii) Where behavioural problems are likely to arise in 'adult' non-colonial birds, consideration must be given to managing them separately with the same species adjacent in visual contact. Examples of species that breed in a group include budgerigars and cockatiels, non-colonial breeders include African greys, Amazons and cockatoos. Once non-colonially nesting species approach breeding age, keeping two or more in a cage can be dangerous, as paired birds of breeding age can be aggressive to each other/their own mate.

Annex 10.

Sale of Reptiles and Amphibians

Abbreviations

SVL Snout-to-vent length (distance from nose to cloaca).

STL Snout-to-tail length (distance from nose to tip of tail).

SCL Straight-carapace-length (straight length of the curved part of the shell of a tortoise).

Carapace is the curved top part of the tortoise or terrapin shell, as opposed to the flat bottom part which is the plastron.

PL Plastron length

1.0 Use, Number and Type of Animal

(i) Staff must have demonstrable knowledge of the species or a closely related species.

2.0 Suitable Environment

2.1 Risk of injury, illness and escape to be prevented

(i) Vivaria must allow for ease of cleaning and the maintenance of hygienic standards. This includes the use of impervious materials for construction.

(ii) Venomous animals must be kept in appropriate, secure enclosures (with suitable means of escape-proof ventilation).

(iii) Service areas for venomous species must be secure and free of escape routes or places to hide, for example access into cavity walls.

(iv) Enclosures containing venomous species must be individually marked with warning signs identifying the species and number of animals.

(v) Venomous animal enclosures must be kept locked and access available only by authorised persons.

2.2 Environmental conditions, including sizes

(i) Minimum enclosure sizes must be adhered to as described in table K-01

(ii) The size of the vivarium must allow a demonstrable and species-appropriate thermogradient to be maintained.

(iii) All vivaria must be provided with hides or species appropriate areas of shelter.

(iv) The vivarium must be large enough to allow the animals separate types of activity including resting, thermo-regulating, feeding, hiding and, if applicable, swimming.

(v) The height and width of the enclosure must be appropriate to the species, with arboreal species requiring more height than terrestrial species and recommendations, stipulated below, adjusted accordingly: when considering vivarium size for arboreal species the licence holder must increase the height to the sizes outlined below for length and can reduce the length of the vivarium dimensions by 1/3.

(vi) The following vivarium size guidelines are for a single reptile and/or amphibian, up to a maximum of four animals for group managed species, unless specifically stated. For 5-8 animals the enclosure sizes must double and for 9-12 triple, and so on.

(vii) Most amphibians and reptiles are not social and may, therefore, be kept individually. Decisions to pair- or group-house amphibian or reptile species must be made by suitably trained and competent staff. Compatible species-specific sex ratios and suitable group sizes must be observed bearing in mind potential for persistent aggression.

(viii) Only compatible species of similar size and from similar habitat and geographical areas must be kept communally.

(ix) Generally mixed taxa (e.g. lizards and tortoises) enclosures are not recommended, although paludaria (vivaria with terrestrial and aquatic areas) which combine fish with small reptiles and/or amphibians of appropriate species are acceptable.

(x) Frogs and Toads: Mixing of taxa (e.g. frog & toad) is not generally recommended. Cannibalistic species, such as horned frogs (*Ceratophrys* sp.) and African bull frogs (*Pyxicephalus* sp.) must be housed individually.

(xi) Reptiles may be housed individually or in small groups, of the same species. Species known to be cannibalistic (e.g. king snakes *Lampropeltis* spp., leopard lizards *Gambelia* spp.) and adult males in breeding condition must be housed individually.

(xii) Aquatic species must be able to swim (or submerge) adequately, i.e. water depth must be at least 2 times the length (snout to vent) of the animal where appropriate for the species. Water depth should be adjusted according to the specific needs of the species.

(xiii) To prevent trauma, materials with rough surfaces (e.g. metal mesh) must be used with caution in the construction of vivaria, unless there are species specific requirements that indicate their use e.g. for species requiring high ventilation rates. Where possible, plastic or other suitable alternative materials are preferred.

(xiv) For reptile species or life stages where evidence suggests that smaller spaces are required for feeding and/or security then the animal must be maintained in the size-appropriate vivarium (as defined below) with the addition of a number of small hides, ensuring the animal has the choice to move out into the wider vivarium at any time and enable appropriate thermoregulation whilst ensuring the reptile feels secure. Where there are documented problems with feeding individual reptiles in larger spaces they may be maintained in smaller enclosures.

2.3 Bedding and substrate

(i) Substrate may include, but not be limited to: paper towel, bark chip, wood chip, terrarium humus, moss, gravel, terrarium sand, depending on the species.

(ii) Burrowing species must have an appropriate substrate to facilitate burrowing.

(iii) Measures must be taken to minimise ingestion of substrate.

(iv) A moisture gradient is recommended for many amphibians. In setups which are misted on a regular basis to keep humidity levels elevated, it is important that a drainage layer is provided in the enclosure to avoid the substrate from becoming waterlogged. Drainage must be considered in all setups where there is a risk of waterlogging.

2.4 Temperature

(i) Licence holders must be able to demonstrate that enclosures provide an appropriate thermogradient (the temperature range from the cool end to the hot end of the vivaria) for each species.

(ii) Temperature must be monitored using a reliable and repeatable method, with licence holders able to demonstrate that systems are in place to allow assessment of the range of temperatures an animal experiences over a 24 hour period e.g. using a max/min thermometer.

(iii) Temperature must be checked daily on initial set up of a vivarium and once the temperatures are stable, where thermostatically controlled heat sources are used, assessment can be reduced to once per week.

(iv) The target appropriate temperatures for each species must be documented in written procedures and include, at a minimum ambient day temperature range, minimum ambient night temperature, basking zone temperature (where appropriate), and UV requirements (where appropriate). Where clearly defined ambient and basking temperatures are not available for a species then comparable species, from a similar geographical habitat, can be used to define the range. For such species where there are no known care guidelines and specialist husbandry is required, these species must not be sold to a member of the general public, only to competent specialist keepers.

(v) Any deviations from the expected temperature range must be recorded along with the action taken to ensure the appropriate temperature is provided for the animal.

(vi) Heating equipment must be controlled with the use of thermostats, where compatible, and the vivaria sited so as to prevent overheating.

(vii) Where rack systems or other vivaria are utilised in thermally stable heated rooms, temperature monitoring of one tray per level is acceptable if accompanied by spot checks demonstrating that the recorded temperatures are representative of the other rack systems in the shared space and that the temperatures are maintained at the correct ranges for the species housed within. During inspection licence holders must be able to demonstrate that this is the case.

(viii) Ambient and basking temperatures must be appropriate to the species concerned, with the following guidance for commonly kept species. Ambient temperature ranges below represent the thermal gradient from the cold end to the hot end of the enclosure:

a) Licence holders and staff must have access to relevant credible reference material for normal environmental parameters

b) Basking spots may be provided by convection or radiant heat sources (e.g. light bulb, or heat mat), as appropriate to the species.

c) Heat sources, both terrestrial and aquatic, must be guarded or positioned so that no direct contact to the heating element is possible by animals living in the enclosure. This includes heat-emitting light sources but excludes heat mats and hot rocks or similar such heating devices.

d) Hides/shelters must be provided in different areas across the thermogradient.

2.5 Water quality

(i) Aquatic and semi aquatic amphibians must have water quality measurement similar to that for fish, with species specific requirements being met.

(ii) Water for aquatic species of amphibians must be dechlorinated. Methods include harvested rain water, where appropriate; or using commercial dechlorinating products.

(iii) Containers must be thoroughly washed between each use.

(iv) For semi-aquatic and aquatic reptilian species (terrapins, turtles, crocodilians) and species where water features form a part of the enclosure design water must be maintained in a clean hygienic state.

(v) Where appropriate terrapins must also have an adequate land basking area typically 25/75 land to water ratio.

2.6 Light

(i) Species requiring UVB lighting, must have appropriate UVB emitting lamps manufactured for use with reptiles and amphibians which must be replaced according to manufacturer's recommendations. On installation of a new lamp, a UV meter (preferably

a UVI meter) must be used to ensure adequate and appropriate UVB levels are provided at the level the animal is located. Evidence of the frequency of lamp changes and assessment of UVB output on installation must be demonstrable to inspectors.

(ii) UV light sources must not be screened by non-UV transmitting glass, mesh or plastic such that the animals do not receive the appropriate UVB levels. Animals must have areas of shade so that they can escape from the light if desired.

TABLE K-01 MINIMUM ENCLOSURE SIZES FOR REPTILES AND AMPHIBIANS

Group	Length	Width	Height	Water depth (where appropriate)
Frogs and toads	30cm or 3x SVL (whichever is larger)	30cm or 3x SVL (whichever is larger)	30cm or 3x SVL (whichever is larger)	2x SVL
Newts and salamanders	30cm or 3x SVL (whichever is larger)	30cm or 2x SVL (whichever is larger)	30cm or 3x SVL (whichever is larger)	2x SVL
Snakes	No less than 2/3 length STL	No less than 1/3 length STL	-	NR
Lizards	4x SVL	2.5x SVL	-	NR
Terrapins and turtles	90cm or 5x SCL (whichever is larger)	3x SCL	NR	4x carapace height*
Tortoises	90cm or 5x SCL (whichever is larger)	5x SCL	NR	
Crocodylians	Land 2x SVL Water 2.5x SVL	Land 1.5x SVL Water 2x SVL	Prevent escape	0.3x SVL

*Some terrapins do not need such deep water

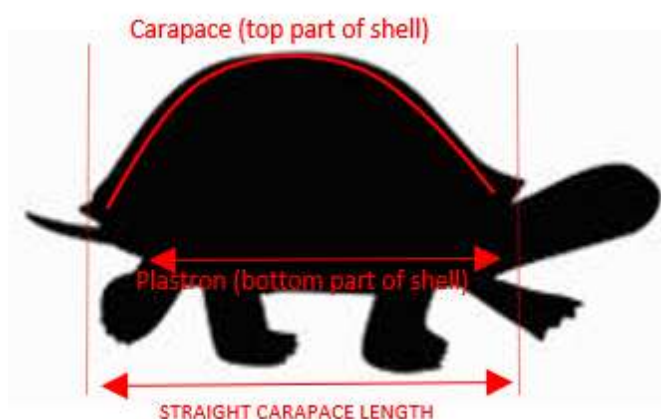
TABLE K-02 MINIMUM ENCLOSURE SIZES FOR REPTILES AND AMPHIBIANS – OPTIONAL HIGHER STANDARDS

Group	Maximum stocking density	Length	Width	Height	Space per additional animal	Water depth (where appropriate)
Frogs and toads	3	30cm or 6x SVL (whichever is larger)	30cm or 6x SVL (whichever is larger)	30cm or 6x SVL (whichever is larger)	1/3 length	2x SVL
Newts and salamanders	3	30cm or 3x SVL (whichever is larger)	30cm or 2x SVL (whichever is larger)	30cm or 3x SVL (whichever is larger)	1/3 length	2x SVL
Lizards	1-4	4x SVL	2.5x SVL	2.5x SVL	1/3	NR
Terrapins and turtles	1-4	90cm or 8x PL (whichever is larger)	4x SCL	2x SCL + 20-30cm	1/3	4x carapace height*

Tortoises	1-4	90cm or 8x PL (whichever is larger)	4x SCL	2x SCL + 20-30cm	1/3	
Crocodilians	1	Land 4x SVL Water 5x SVL	Land 3x SVL Water 4x SVL	Prevent escape	N/A	0.3x SVL

*Some terrapins do not need such deep water

Arboreal species require more height than terrestrial species and sizes, stipulated above, must be adjusted accordingly: vivarium height for arboreal species must increase to the length outlined above; length of the vivarium can be reduced by one third.



2.7 Cleaning

(i) Faeces and urates must be removed a minimum of once daily. An exception to this is a system involving a larger enclosure with small species that has a mature bioactive system of management.

(ii) There must be a programme of waste water management and treatment for all amphibians to ensure no microorganisms are accidentally released. Specifically, those selling amphibians must treat waste water to prevent the spread of chytridiomycosis (fungus) and some viral agents prior to disposal into the sewage e.g. sodium hypochlorite (>1% for 1 min). Evidence as to how this is achieved must be available to inspectors.

3.0 Suitable Diet

3.1 Diet

(i) Live invertebrates must be gut loaded and/or dusted with suitable vitamin/mineral supplement used according to the manufacturer's instructions and with regard to the specific needs of the animal.

3.2 Feeding

(i) Licence holders must maintain written records of feeding for all snakes, including hatchlings, which must be made available to buyers and inspectors.

(ii) In situations where a specific reptile species is known to prefer to have food left in for 24 hours this practice is considered acceptable but must be reflected in the individual species' care sheet.

3.3 Water

- (i) Fresh water must be available at all times, with the exception of certain desert species, which must be offered water at a frequency suitable to the species.
- (ii) As appropriate to the species, amphibians and reptiles must be given access to water in a form that allows them to submerge or bathe within.
- (iii) Certain species, such as chameleons and some amphibians, do not often drink from standing water and must be offered water appropriately, e.g. by a dripper system or sprayer.

4.0 Monitoring of behaviour and training of animals

4.1 Enrichment

- (i) Enclosures must be furnished in such a fashion as to allow inhabitants to exhibit natural behaviour, e.g. climb or hide where appropriate.
- (ii) All vivaria must be provided with hides or species appropriate areas of shelter.

4.2 Habituation

- (i) Handling must be kept to a minimum at all times except where the licence holder can demonstrate that it is in the best interest of the animal e.g. to habituate the animal to handling for the purpose of health-checking. Beneficial and positive contact depends on species and can include feeding and training.

5.0 Animal Handling and Interactions

5.1 Handling

- (i) For amphibians, water of the quality similar to that used to house them must be used for hand washing prior to handling to prevent damage to species with moist skin. Hands must be clean and wet.

6.0 Protection from Pain, Suffering, Injury and Disease

- (i) A dedicated area for storage of cadavers must be present separate from food stores.

Annex 11.

Sale of Fish

“Coldwater” refers to freshwater ornamental fish species including, but not limited to: Goldfish (all varieties), common carp (including Koi), Tench, Orfe, Rudd and sturgeon species, which are kept in unheated aquaria/vats/ponds;

“Tropical freshwater” refers to all those freshwater ornamental fish species which require to be kept in heated aquaria;

“Tropical Marine” refers to all those ornamental fish species which require to be kept in sea water and heated aquaria;

“Temperate” refers to those species that are suitable for unheated aquaria kept in centrally heated rooms only;

“Centralised systems” refers to multiple aquaria or vats which are connected via pipework to a central sump tank and filter. Water is circulated through the system such that no water travels directly from one aquaria/vat to another but always via a biological filter and (possibly) other devices such as UV, ozone etc. Water quality in such systems is wholly dependent on the management of the whole system.

“Standalone system” refers to aquaria or vats which do not share water with others.

Filtration (and heating) is provided individually to each aquarium/vat. Water quality in such systems is wholly dependent on the management of each individual aquarium/vat;

1.0 Use, Number and Type of Animal

(i) There are in excess of 4000 species of fish in trade whose welfare needs can be met based on a broad categorisation. It is acceptable for fish to be categorised in broad groupings of (i) cold water, (ii) tropical marine and (iii) tropical freshwater.

(ii) The maintenance of water quality standards is used to determine working stocking densities.

(iii) The water quality standards must not be met at the expense of a correct feeding regime.

(iv) Exceptions to these standards might occur e.g. when aquatic organisms are diseased, after transport or other stress. However, in these cases appropriate remedial actions e.g. treatment, acclimatisation or isolation must be undertaken.

(v) It is not considered necessary nor feasible to individually identify all fish held within an establishment.

2.0 Suitable Environment

2.1 Risk of injury, illness and escape to be prevented

(i) Fish must be able to move freely and turn around in aquariums or ponds.

(ii) Some facilities will be handling very high numbers of animals on a daily basis and at such facilities some standing water may be expected. It must not be excessive and should be removed as soon as practicable. Where there is some standing water all facilities must take precautions to prevent and control the spread of disease and infection.

2.2 Temperature

(i) Aquatic organisms must not be exposed to excessive heat or light, or a lack of adequate warmth. Sudden fluctuations in temperature, and water quality parameters must be avoided.

(ii) Temperatures must be maintained within the optimal range for the fish species housed and kept as stable as possible (see Table L-01 for temperature ranges). Changes in temperature must take place gradually.

(ii) For centralised systems, the water temperature must be appropriate to meet the husbandry requirements and temperature range for that fish category i.e. coldwater, tropical freshwater, tropical marine, and will usually be set at the mid-range between different species within a category

(iii) Water temperature for temperate fish must never fall below 17C. Temperate fish are defined as those sold as being suitable for unheated aquariums, kept in centrally heated rooms only. Consideration must be given to the few fish species to which this is considered to be suitable and purchasers must be advised accordingly as to appropriate conditions to meet the welfare needs of the fish. In the case of doubt, licence holders must adopt a cautious attitude (i.e. unless the species is a recognised coldwater species, it must be kept in a heated aquarium i.e. in an aquarium with a thermostatically controlled heater).

(iv) Temperatures must be monitored daily and checked weekly with any deviations from the expected range being recorded. At high temperatures it may be necessary to provide supplementary aeration or oxygenation of enclosure water

TABLE L-01: TEMPERATURE RANGES OF ORNAMENTAL FISH

Category	Fish group(s) – by common name	Temperature range
Coldwater	Goldfish (kept in aquariums)	4 to 25°C
	Fancy goldfish (all varieties)	4 to 25°C
	Pond fish (including goldfish, Koi carp, Orfe, Rudd & Tench)	4 to 24°C
Tropical Freshwater	Hillstream Loach, White Cloud Mountain, Minnows & Weather Loaches	17 to 23°C
	Tetras, Rasboras & Danios	18 to 27°C
	Guppies, Swordtails, Mollies & Platies	18 to 28°C
	Barbs	20 to 27°C
	Bettas, Gouramis & Paradise fish	Majority will tolerate a range of 22 to 28°C. Paradise fish can tolerate cooler temperatures of 17°C
	Rainbowfish	21 to 28°C
	Freshwater sharks (not related to true sharks)	22 to 26°C
	Dwarf Cichlids	Mid range of 23 to 28°C
	Discus	26 to 30°C
	American Cichlids e.g. Angelfish, Oscar, Parrot Cichlid, Severum, Firemouth Cichlid, Convict Cichlid & Jack Dempsey	22 to 28°C
	African Malawi Cichlids	23 to 28°C
	Freshwater stingrays, Knifefish & Elephant noses	20 to 26°C
	Piranhas, Snakeheads & Wolf fish	22 to 27°C
	Catfish e.g. Corydoras, Suckermouth catfish	21 to 28°C
	Tropical algae eaters e.g. Plecs (<i>Plecostomus</i>)	20 to 28°C
Killifish	20 to 26°C	
Loches (family <i>Cobitidae</i>)	20 to 26°C	
Large fish e.g. Giraffe catfish, Pacu, Giant Gourami	22 to 28°C	

	Monos, Scats, Archers & Puffers (brackish water)	22 to 30°C
Marine	Clownfish, Damsels, Chromis & Basslets	23 to 28°C
	Blennies, Gobies, Jawfish, Dwarf Wrasse & Dartfish	23 to 28°C
	Butterflyfish, Tangs	23 to 28°C
	Dwarf angelfish	23 to 28°C
	Angelfish	23 to 28°C
	Seahorses & Pipefish	23 to 28°C
	Morays, Groupers & Triggerfish	23 to 26°C
	Poisonous & venomous fish e.g. lionfish, scorpionfish, boxfish, frogfish, rabbitfish & pufferfish	23 to 26°C

2.3 Water quality

- (i) Minimum water standards must comply with those outlined in table L-02
- (ii) Water quality must be checked weekly and records kept of all tests. Water testing must take place in stocked tanks.
- (iii) Centralised systems must be tested weekly. 10% of individually filtered tanks or vats must be tested weekly. In aquaria or vats in which visual inspection indicates unusual behaviour or deaths, any necessary remedial action must be undertaken and recorded.
- (iv) Ammonia and nitrite are toxic to fish and their presence in harmful concentrations must be avoided.
- (v) Fish must not be subject to sudden fluctuation in the chemical composition of their water, other than for the controlled treatment of disease or as part of a controlled breeding programme. In case of doubt expert advice must be sought.

2.4 Light

- (i) Fish must be maintained on an appropriate photoperiod (i.e. day/night cycle) as far as possible.
- (ii) For fish kept in outdoor ponds, vats and stock tanks shade from direct sunlight must be provided, for example, by the provision of plants or other shade

TABLE L-02 WATER QUALITY MINIMUM WATER STANDARDS

Water quality parameter	Measurement standard
COLD WATER SPECIES	
Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water
TROPICAL FRESHWATER SPECIES	
Free Ammonia	max 0.02mg/l
Nitrite	max 0.2mg/l
Dissolved Oxygen	min 6mg/l
Nitrate	max 50mg/l above ambient tap water
TROPICAL MARINE SPECIES	
Free Ammonia	max 0.01mg/l
Nitrite	max 0.125mg/l
Nitrate	max 100mg/l
pH	min 8.1
Dissolved Oxygen	min 4mg/l

2.5 Cleaning

(i) All aquaria/vats/ponds must be kept free of accumulations of suspended waste products or uneaten feed. Excess accumulation may affect water quality and therefore damage fish health. Waste material must be removed as necessary. Cleaning regimes must be sensitive to species-specific needs e.g. certain fish species may benefit from controlled algal build-up to facilitate grazing behaviour. Care must be taken to minimise stress during cleaning.

2.6 Accessibility to staff

(i) Racked systems must be accessible by use of a stepladder or other such means.

3.0 Suitable Diet

3.1 Diet

(i) Fish must be fed a diet suitable for that species at an appropriate feeding rate and frequency and so as to avoid competition e.g. feeding across the whole surface of the aquaria/pond, extending feeding times.

(ii) Licence holders selling to the general public must have an understanding of the nutritional requirements of the categories of fish they sell, and must advise the owner of these requirements.

3.2 Feeding

(i) Given the numbers of fish that might be held in any one facility it is not feasible to monitor and record changes in eating habits of individual fish. The feeding behaviour of groups of fish must be recorded if such behaviour changes significantly and appropriate advice obtained from a competent specialist when appropriate.

4.0 Monitoring of behaviour

(i) Any items that get in the way of the safe and easy capture of fish must not be used or must be removed from tanks prior to capture.

5.0 Animal handling and interactions

(i) Handling must be kept to a minimum at all times.

6.0 Protection from Pain, Suffering, Injury and Disease

(i) Staff must take precautions to prevent cross-contamination between aquaria/vats. Equipment, for example nets, must normally be cleaned and disinfected between uses or dedicated to a specific tank.

(ii) Aquaria/vats must be checked daily and cleaned as often as is necessary (as determined by water quality) to maintain good hygiene standards, consistent with the rate of stock turnover and consequent stocking densities.

(iii) For fish, in-line UV treatment or other sterilising devices effectively provide a means of isolating individual tanks in multiple tank systems and are a suitable alternative to self-contained isolation facilities. They must be of a proper size and maintained in accordance with manufacturers' recommendations.

(iv) Newly introduced stocks must be given an appropriate acclimatisation period, as deemed necessary, as far as possible separate from existing stocks. New stocks must be closely monitored and any disease problem which arises must be treated promptly.

(v) Fish waste, including cadavers, may be incinerated or disposed of through general waste in sealed double-bagged plastic bags.

(vi) Fish showing signs of illness or disease may be kept with other fish provided that all the fish in the same tank (or in connected systems, without a sterilisation filter) are given appropriate treatment. In cases of doubt about appropriate treatments, expert advice must be sought (e.g. from a veterinarian, competent person, fish specialist).

(vii) Anyone responsible for euthanising fish must follow recommended practices, written procedures and have been suitably trained.

(viii) In the case of fish, it is sufficient to check daily and maintain records limited to observed signs of ill health and disease.

(ix) Where problems are identified remedial action must be taken.

(x) In cold weather ice may form on outdoor displays such as ponds. In such cases it is important that a hole in the ice is made e.g. by floating a plastic ball which can be removed if the water freezes.

EAST DEVON DISTRICT COUNCIL ENVIRONMENTAL HEALTH
The Animal Welfare (Licensing of Activities Involving Animals)
(England) Regs 2018
Animal Welfare Act 2006

RIDING ESTABLISHMENTS LICENCE STANDARD CONDITIONS
Current December 2018

Premises: **Date Issued:**

Expiry.....

1. "Authorised Officer" means an officer authorised by the council to investigate and enforce under the above legislation.
2. EDDC Environmental Health Service consider these conditions, if fully complied with, appropriate and proportionate for ensuring the health and wellbeing of animals in riding establishments as required by the above legislation.
3. EDDC will only grant a licence if it is satisfied, following inspection, that these conditions will be met.
4. Businesses that provide specified higher standards than these minimum conditions may be able to gain a 4 or 5 star rating in the Animals Activity Star Rating System and may qualify for a longer licence (see separate guidance).
5. Details of licences issued, and star ratings awarded, will be included on the EDDC website.
6. Any person who is aggrieved by a decision of a local authority to refuse to grant or renew a licence or to revoke or vary a licence may appeal to the First – tier Tribunal within 28 days of the decision of the local authority. The Tribunal may overturn or confirm the decision with or without modification.

General Conditions (Schedule 2 of the Regulations)

1.0 Licence Display

1.1 A copy of the licence must be clearly and prominently displayed on any premises used for the licensable activity.

1.2 The name of the licence holder followed by the number of the licence holder's licence must be clearly and prominently displayed on any website used in respect of the licensable activity.

2.0 Records

2.1 The licence holder must ensure that at any time all the records that the licence holder is required to keep as a condition of the licence are available for inspection by an inspector in a visible and legible form or, where any such records are stored in electronic form, in a form from which they can readily be produced in a visible and legible form.

2.2 The licence holder must keep all such records for at least three years beginning with the date on which the record was created.

3.0 Use, number and type of animal

3.1 No animals or types of animal other than those animals and types of animal specified in the licence may be used in relation to the relevant licensable activity.

3.2 The number of animals kept for the activity at any time must not exceed the maximum that is reasonable taking into account the facilities and staffing on any premises used for the licensable activity.

4.0 Staffing

4.1 Sufficient numbers of people who are competent for the purpose must be available to provide a level of care that ensures that the welfare needs of all the animals are met.

Additional Optional Condition for Higher Standard

At least one member of key staff must hold an OFQUAL regulated Level 3 qualification or higher.

4.2 The licence holder or a designated manager and any staff employed to care for the animals must have competence to identify the normal behaviour of the species for which they are caring and to recognise signs of, and take appropriate measures to mitigate or prevent, pain, suffering, injury, disease or abnormal behaviour.

4.3 The licence holder must provide and ensure the implementation of a written training policy for all staff.

5.0 Suitable Environment

5.1 All areas, equipment and appliances to which the animals have access must present minimal risks of injury, illness and escape. They must be constructed in materials that are robust, safe and durable, in a good state of repair and well maintained.

Additional Optional Condition for Higher Standard

□ Size of stable must exceed minimum requirements. Horses will not be in reach of each other to bite and there will be room to work around them. Horses will be in view of each other, unless kept singly for management reasons, such as isolation or stallion management purposes.

5.2 Animals must be kept at all times in an environment suitable to their species and condition (including health status and age) with respect to—

- (a) their behavioural needs
- (b) it's situation, space, air quality, cleanliness and temperature
- (c) the water quality (where relevant)
- (d) noise levels
- (e) light levels
- (f) ventilation

5.3 Staff must ensure that the animals are kept clean and comfortable

5.4 Where appropriate for the species, a toileting area and opportunities for toileting must be provided.

5.5 Procedures must be in place to ensure accommodation and any equipment within it is cleaned as often as necessary and good hygiene standards are maintained. The accommodation must be capable of being thoroughly cleaned and disinfected.

5.6 The animals must be transported and handled in a manner (including for example in relation to housing, temperature, ventilation and frequency) that protects them from pain, suffering, injury and disease.

5.7 All the animals must be easily accessible to staff and for inspection. There must be sufficient light for the staff to work effectively and observe the animals.

Additional Optional Condition for Higher Standard

There must be a separate secure, clean and well-lit veterinary inspection area that enables safe access to allow inspection of a horse.

5.8 All resources must be provided in a way (for example as regards frequency, location and access points) that minimises competitive behaviour or the dominance of individual animals.

Additional Required Condition for Higher Standard

There must be an option for a permanent individual turn out paddock/pen to allow horses their own area for grazing/turnout if required owing to ill-health or domination by other horses.

5.9 The animals must not be left unattended in any situation or for any period likely to cause them distress.

Additional Required Condition for Higher Standard

Horses must be inspected at least once during the out of hours period (e.g. 1800-0800).

6.0 Suitable Diet

6.1 The animals must be provided with a suitable diet, in terms of quality, quantity and frequency that reflects their needs. Any new feeds must be introduced gradually to allow the animals to adjust to them.

6.2 Feed and (where appropriate) water intake must be monitored, and any problems recorded and addressed.

6.3 Feed and drinking water provided to the animals must be unspoilt and free from contamination.

Additional Optional Condition for Higher Standard

There must be separate well lit, lockable, purpose built feed room with water available and additional storage for supplements.

6.4 Feed and drinking receptacles must be capable of being cleaned and disinfected, or disposable.

6.5 Constant access to fresh, clean drinking water must be provided in a suitable receptacle.

6.6 Where feed is prepared on the premises, there must be hygienic facilities for its preparation, including a working surface, hot and cold running water and storage.

7.0 Monitoring of behaviour and training of animals

7.1 Active and effective environmental enrichment must be provided to the animals in inside and any outside environments.

Additional Required Condition for Higher Standard

All horses must have a structured management and care programme to include their exercise needs with suitable alternatives for those unable to exercise, such as additional grooming, physiotherapy etc.

7.2 For species whose welfare depends partly on exercise, opportunities to exercise which benefit the animals' physical and mental health must be provided, unless advice from a veterinarian suggests otherwise.

7.3 The animals' behaviour and any changes of behaviour must be monitored. Advice must be sought, as appropriate and without delay, from a veterinarian if adverse or abnormal behaviour is detected.

7.4 Where used, training methods or equipment must not cause pain, suffering or injury.

7.5 All immature animals must be given suitable and adequate opportunities to—
(a) learn how to interact with people, their own species and other animals where such interaction benefits their welfare, and
(b) become habituated to noises, objects and activities in their environment.

8.0 Animal Handling and Interactions

8.1 All people responsible for the care of the animals must be competent in the appropriate handling of each animal to protect it from pain, suffering, injury or disease.

8.2 The animals must be kept separately or in suitable compatible social groups appropriate to the species and individual animals. No animals from a social species may be isolated or separated from others of their species for any longer than is necessary.

8.3 The animals must have at least daily opportunities to interact with people where such interaction benefits their welfare.

9.0 Protection from Pain, Suffering, Injury and Disease

9.1 Written procedures must—

(a) be in place and implemented covering—

- (i) feeding regimes,
- (ii) cleaning regimes,
- (iii) transportation,
- (iv) the prevention and control of the spread of, disease,
- (v) monitoring and ensuring the health and welfare of all the animals,
- (vi) the death or escape of an animal (including the storage of carcasses);

(b) be in place covering the care of the animals following the suspension or revocation of the licence or during and following an emergency.

9.2 All people responsible for the care of the animals must be made fully aware of these procedures.

9.3 Appropriate isolation, in separate self-contained facilities, must be available for the care of sick, injured or potentially infectious animals.

9.4 All reasonable precautions must be taken to prevent and control the spread among animals and people of infectious disease, pathogens and parasites.

9.5 All excreta and soiled bedding for disposal must be stored and disposed of in a hygienic manner and in accordance with any relevant legislation.

9.6 Sick or injured animals must receive prompt attention from a veterinarian and the advice of that veterinarian must be followed.

9.7 Where necessary, animals must receive preventative treatment by an appropriately competent person.

9.8 The licence holder must register with a veterinarian with an appropriate level of experience in the health and welfare requirements of any animals specified in the licence and the contact details of that person must be readily available to all staff on the premises used for the licensable activity.

9.9 Prescribed medicines must be stored safely and securely to safeguard against unauthorised access, at the correct temperature, and used in accordance with the instructions of the veterinarian.

9.10 Medicines other than prescribed medicines must be stored, used and disposed of in accordance with the instructions of the manufacturer or veterinarian.

9.11 Cleaning products must be suitable, safe and effective against pathogens that pose a risk to the animals. They must be used, stored and disposed of in accordance with the manufacturer's instructions and used in a way which prevents distress or suffering of the animals.

9.12 No person may euthanase an animal except a veterinarian or a person who has been authorised by a veterinarian as competent for such purpose or a person who is competent, and who holds a licence or certificate, for such purpose.

9.13 All animals must be checked at least once daily and more regularly as necessary to check for any signs of pain, suffering, injury, disease or abnormal behaviour. Vulnerable animals must be checked more frequently. Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian must be sought and followed.

9.14 Any signs of pain, suffering, injury, disease or abnormal behaviour must be recorded and the advice and further advice (if necessary) of a veterinarian must be sought and followed.

10.0 Emergencies

10.1 A written emergency plan, acceptable to the local authority, must be in place, known and available to all the people on the premises used for the licensable activity, and followed where necessary to ensure appropriate steps are taken to protect all the people and animals on the premises in case of fire or in case of breakdowns for essential heating, ventilation or other emergencies.

10.2 The plan must include details of the emergency measures to be taken for the extrication of the animals should the premises become uninhabitable and an emergency telephone list that includes the fire service and police.

10.3 External doors and gates must be lockable.

10.4 A designated key holder with access to all animal areas must at all times be within reasonable travel distance of the premises and available to attend in an emergency.

Additional Optional Condition for Higher Standard

A competent person must be on site at all times.

Specific Conditions: Hiring out horses (Schedule 5 of the Regulations. The condition number relates to the Regulation number)

2.0 Eligibility

2.1 The licence holder must—

(a) hold an appropriate formal qualification, or have sufficient demonstrable experience, in the management of horses, and

(b) hold a valid certificate of public liability insurance which—

(i) insures the licence holder against liability for any injury sustained by, and the death of, any client, and

(ii) insures any client against liability for any injury sustained by, and the death of, any other person, caused by or arising out of the hire of the horse.

2.2 The certificate mentioned in subparagraph (1)(b) must be clearly and prominently displayed at the premises.

3.0 Supervision

3.1 The activity must not at any time be left in the charge of a person aged under 18 years.

3.2 No horse may be hired out except under the supervision of a person aged 16 years or more unless the licence holder is satisfied that the person hiring the horse is competent to ride without supervision.

3.3 The following must be clearly and prominently displayed at the premises—

- (a) the full name, postal address (including postcode) and telephone number of the licence holder or other person with management responsibilities in respect of the activity;
- (b) instructions as to the action to be taken in the event of a fire or other emergency.

4.0 Suitable Environment

- 4.1 It must be practicable to bring all the horses at the premises under cover.
- 4.2 Suitable storage must be provided and used for feed, bedding, stable equipment and saddlery.
- 4.3 All arena surfaces must be suitable for purpose, well drained, free of standing water and maintained regularly to keep them level.

5.0 Suitable Diet

- 5.1 At all times when any horses are kept at grass, adequate pasture, shelter and clean water must be available for them.
- 5.2 Supplementary feed and nutrients must be provided to any horse when appropriate.
- 5.3 Each horse must be fed a balanced diet of a quantity and at a frequency suitable for its age, health and workload to enable it to maintain an appropriate physical condition.

Additional Optional Condition for Higher Standard

Independent specialist nutritional advice must be sought as appropriate for individual horses and documented alongside the weekly body condition scoring. Records must evidence individual health plans and monitoring for horses in connection with dietary requirements. There must be legible and up to date feed chart on display that informs correct feeding amounts for individual horses.

6.0 Protection from Pain, Suffering & Disease

- 6.1 The horses must be maintained in good health and must be in all respects physically fit.
- 6.2 There must be a preventative healthcare plan in place agreed with the appointed veterinarian or appointed veterinary practitioner.

Additional Required Condition for Higher Standard

Each horse will have its own specific care plan detailing age and any health related conditions.

- 6.3 A daily record of the workload of each horse must be maintained and available for inspection at any reasonable time.

Additional Required Condition for Higher Standard

Records must evidence individual monitoring and training plans for horses in connection with individual training needs to complement their use within a riding school. This must be accompanied with evidence of regular and effective checks with saddler for comfort and fit.

- 6.4 Each horse must be suitable for the purpose for which it is kept and must not be hired out if, due to its condition, its use would be likely to cause it to suffer.
- 6.5 Any horse found on inspection to be in need of veterinary attention must not be returned to work until the licence holder has, at the licence holder's expense, obtained from and lodged with the local authority a veterinary certificate which confirms that the horse is fit for work.
- 6.6 Each horse's hooves should be trimmed as often as is necessary to maintain the health, good shape and soundness of its feet and its shoes should be properly fitted and in good condition.
- 6.7 An area suitable for the inspection of horses by a veterinarian must be provided.
- 6.8 The following must not be hired out—

- (a) a horse aged under three years;
- (b) a mare heavy with foal;
- (c) a mare whose foal has not yet been weaned.

6.9 The licence holder must keep a register of all horses kept for the licensable activity on the premises and each horse's valid passport showing its unique equine life number and microchip number (if any).

7.0 Equipment

7.1 All equipment provided to clients must be in good and safe condition and available for inspection at any reasonable time.

Additional Required Condition for Higher Standard

Initial assessments must be undertaken for new riders and details of assessment recorded.

Additional Required Condition for Higher Standard

Documented risk assessment must be available for all such equipment, for example horse clippers, horse walker, yard blowers, arena levelling equipment and any additional therapy based machines or equipment.

Additional Required Condition for Higher Standard

Documented risk assessment must be available for activities, including PPE requirements that include appropriateness of PPE relative to differing tasks and situations.

These conditions derive from the required conditions set out in Schedule 2 and Schedule 5 of the Animal Welfare (Licensing of Activities involving Animals)(England)Regulations 2018, DEFRA Guidance notes for conditions for hiring out horses July 2018, and DEFRA Procedural guidance notes for local authorities July 2018.