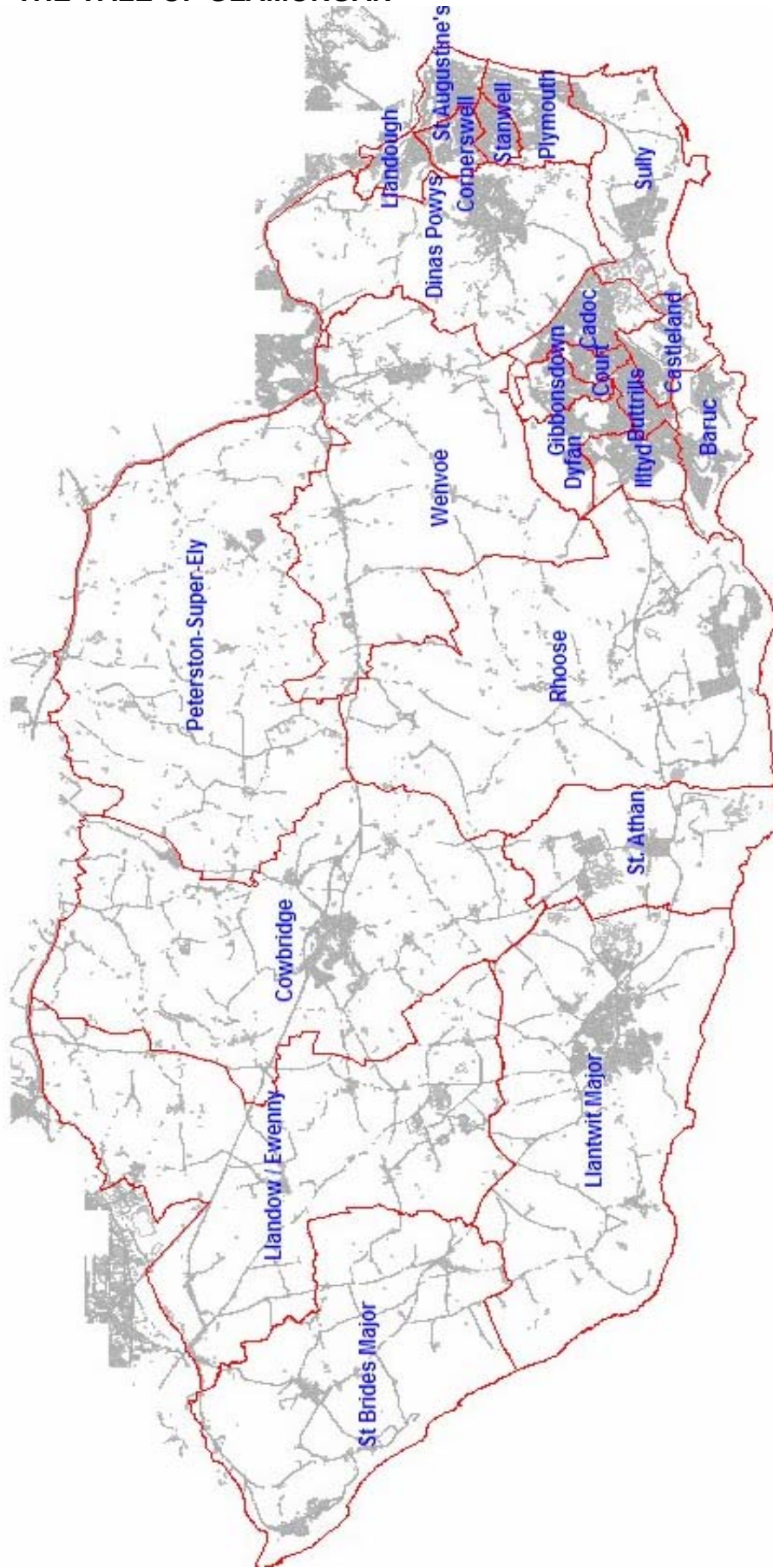




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# MAP OF THE VALE OF GLAMORGAN



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## **PART A**

### **1. The Vale of Glamorgan**

The Vale of Glamorgan Council is Wales' most southern Unitary Authority. There are 4 Town Councils and 22 Community Councils in the area. It covers 33,097 hectares (331 square miles) with 53 kilometres of coastline. The Council area has a population of 119,292. The main settlements are Barry, Penarth, Llantwit Major, Dinas Powys and Cowbridge. Barry, the largest town with a population of 48,000, is the Vale's administrative centre, a seaside resort and port. Cardiff International Airport is located 3 miles West of Barry. These areas are shown in the map at the front of this Statement.

### **2. Introduction**

The Vale of Glamorgan Council will become the Licensing Authority under the Gambling Act 2005.

Licensing Authorities are required by the Gambling Act 2005 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. This statement will come into effect on the 31<sup>st</sup> January 2007 and will have effect until 30<sup>th</sup> January 2010. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must then be re-published.

The Licensing Authority declares that this Statement of Principles has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. The Licensing Authority have consulted on this statement of principles, and given due regard to any responses from those consulted before adopting and publishing the final document.

This Statement of Principles is available on The Vale of Glamorgan Council's website [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk).

#### **2.1 Licensing Objectives**

The Act requires that the Authority carries out its various licensing functions with a view to promoting the following three licensing objectives:-

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

This licensing authority is aware that, as per Section 153 of the Gambling Act 2005, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Codes of Practice under section 24
- in accordance with any relevant Guidance issued by the Commission under section 25
- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives.

A full description of the Gambling objectives is available on request.

## **2.2 Vulnerable Persons**

The term 'vulnerable persons' has not been defined within the Act. In seeking to protect vulnerable people the Licensing Authority will normally class as 'vulnerable' those 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, perhaps due to a mental impairment, alcohol or drugs.

## **2.3 Consultees**

The Statement of Principles was subject to formal consultation with:-

1. South Wales Police;
2. Representatives of the holders of the various licences for premises within the Council area who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this statement of principles.

A full, but not exhaustive, list of consultees is available on request.

## **2.4 Responsible Authorities**

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
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the Gambling Commission's Guidance for local authorities, this Authority designates the Children and Family Services of the Vale of Glamorgan Council for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at [www.valeofglamorgan.gov.uk](http://www.valeofglamorgan.gov.uk).

## 2.5 Interested Parties

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 follows:

*“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person-*

- a) lives sufficiently close to the premises to be likely to be affected by the authorities activities,*
- b) has business interests that might be affected by the authorised activities, or*
- c) represents persons who satisfy paragraph (a) or (b)”*

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:

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 Gambling Commission’s Guidance to Local Authorities. Decisions on Premises Licences, will be made “in accordance” with Gambling Commission Guidance (Section 153).

The Gambling Commission has recommended that the Licensing Authority states that interested parties include trade associations and trade unions, and residents’ and tenants’ associations. This Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as Councillors and MP’s. Other than these persons, this Licensing Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is 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 Committee dealing with the licence application. If there are any doubts then please contact the Licensing department.

## **2.6 Licensing Authority Functions**

Licensing Authorities are required under the Act 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 via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) 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
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that the local Licensing Authority will not be involved in licensing remote gambling. This will be the responsibility of the Gambling Commission via operating licences. Spread betting is regulated by The Financial Services Authority and the National Lottery is regulated by The National Lottery Commission.

## **2.7 Transitional Arrangements**

During the transitional arrangements period specified in the Act, a Premises Licence will be issued to persons applying under an Order made by the Secretary of State under Schedule 18 of the Act, who have supplied the required information, documentation and fee. Issue of licences will be on the basis of existing permissions being continued. If however, the Police make a representation that the conversion of an existing licence would undermine the crime prevention and disorder objective the application will be referred to the Council's Licensing Sub-Committee for consideration.

## **2.8 Information Exchange**

The Licensing Authority, in fulfilling its functions under sections 29, 30 and 350 of the Act, with respect to the exchange of relevant information with other regulatory bodies, will establish protocols in this respect. In exchanging such information, the Licensing Authority will comply with the requirements of the Data Protection Act 1998 in accordance with the Vale of Glamorgan Council's existing policies.

Details of those persons making representations will be made available to applicants to allow for negotiation and in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

## **2.9 Enforcement**

The Vale of Glamorgan Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. Any enforcement action will endeavour to 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.

## **PART B - PREMISES LICENCES**

### **3. General Principles**

Premises licences will be subject to the requirements set out in the Gambling Act 2005 and its regulations, as well as specific mandatory and default conditions which will be 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.

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 is:

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

There are three different types of conditions that could be attached to a Premises Licence. They are:

***Mandatory conditions***:- are set by the Secretary of State. A Licensing Authority has no power to remove or vary these conditions.

***Default conditions***:- are set by the Secretary Of State to be attached to all classes of premises licence, unless excluded by the Authority.

***Individual conditions***:- may be attached to an individual premises by the Authority in exceptional or particular circumstances for example, door supervision.

It is appreciated that as per the Gambling Commission's Guidance for Local 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) and also that unmet demand is not a criterion for a Licensing Authority.

### **3.1 Definition of Premises**

Premises are defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to 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.

Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

### **3.2 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 can. 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.

### **3.3 Duplication with Other Regulatory Regimes**

This Licensing Authority will seek 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 however, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

### **3.4 Casinos**

There are currently no casinos operating within The Vale of Glamorgan. There is no resolution to prohibit casinos at present. However, the Council reserves the right to review this situation and may at some time in the future, resolve not to permit casinos.

Should the Authority choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

### **3.5 Bingo Premises**

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D gaming machines. Where category C or above gaming machines are available in premises to which children are admitted Licensing Authorities should ensure that:

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

This Licensing Authority will consider further guidance once it is made available.

### **3.6 Betting Premises**

The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing.

The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.

The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

In the event that the Authority considers whether to impose such a condition on any particular licence it may, among other things, 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 or by vulnerable persons.

### **3.7 Tracks**

This Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track.

As per the Gambling Commission's Guidance, this Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas they are not permitted to enter.

The premises licence applicant may wish 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.

This Licensing Authority notes the Commission's Guidance that Licensing Authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

It will also take note of the Gambling Commission's suggestion that Licensing Authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

The Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

### **3.8 Adult Gaming Centre**

Adult gaming centres (AGCs) are a new category of premises introduced by the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the Licensing Authority.

No-one under the age of 18 is permitted to enter an AGC. This Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access. This may be of particular importance in areas where young people may be unsupervised and an AGC is in a complex, such as a shopping centre.

### **3.9 Licensed Family Entertainment Centre**

The Act creates two classes of Family Entertainment Centre (FEC). Licensed FECs, which provide category C and D gaming machines and require a premises licence. Unlicensed FECs provide category D gaming machines only and are regulated through FEC gaming machine permits.

Children and young persons will be permitted to enter a FEC and may play on the category D gaming machines. They will not be permitted to play on category C gaming machines, and it will be a requirement that there must be clear segregation between the two types of machine, so that children do not have access to category C gaming machines.

### **3.10 Travelling Fairs**

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

The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This 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.

## **4. Provisional Statements**

Provisional statements can be applied for in respect of premises that are expected to be constructed, altered or where a premises is going to be occupied. The application will ascertain the likelihood of a premises licence being granted. Further information is available in the guidance notes.

## **5. Reviews**

Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Licensing Authority to decide whether the review is to be carried-out. The application for a review may be (but need not be) rejected if the Licensing Authority considers the grounds on which the review is sought:

- are not relevant to the Commission Guidance/codes of practice, statement of principles, or licensing objectives. Examples include demand for a gambling premise, traffic congestion.
- grounds are frivolous
- grounds are vexatious
- grounds will certainly not cause the Authority to revoke/suspend or remove/amend or attach conditions on the licence.
- are substantially the same grounds cited in a previous application relating to the same premise (Licensing Authority to take into account time lapsed since previous application).
- are substantially the same as representations made at the time the application relating to the same premise. (Licensing Authority to take into account time lapsed since previous application, also should not review the licence on the basis of the same arguments considered on the grant of the premises licence).

## **6 PART C - PERMITS / TEMPORARY & OCCASIONAL USE NOTICE**

### **6.1 Unlicensed Family Entertainment Centres**

Unlicensed Family Entertainment Centres (FECs) will perhaps be most commonly located at seaside resorts, in airports and at motorway service centres, and will cater for families, including unaccompanied children and young persons. Unlicensed FECs will be able to offer only category D gaming machines in reliance on a gaming machine permit.

Any number of category D gaming machines can be made available with such a permit (subject to other considerations, such as fire regulations and health and safety, which will not be issues for the Authority under the Gambling Act). Permits cannot be issued to vessels or vehicles. The Licensing Authority cannot attach conditions to this type of permit.

### **6.2 Alcohol Licensed Premises**

There is provision in the Act for 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 and pay the prescribed fee.

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 “such matters as we think relevant.”

### **6.3 Club Gaming & Club Gaming Machine Permits**

The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations, or club gaming machine permits which only authorise the use of gaming machines.

The Licensing Authority will only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' 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.

Club gaming and club gaming machine permits allow the provision of no more than three gaming machines. These may be from categories B, C or D. The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit.

### **6.4 Prize Gaming & Prize Gaming Permits**

Gaming is defined 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 prizes will be determined by the operator before play commences. A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

## **7 Temporary Use Notices, Occasional Use Notices Registration of Small Society Lotteries**

In carrying out its functions in relation to Temporary Use Notices, Occasional Use Notices and Lotteries the Authority will have regard to the Act, the guidance issued by the Gambling Commission and any Regulations issued by the Secretary of State. Further information available on request.

## **PART 4- THE LICENSING OBJECTIVES**

### **8 Complaints Against Premises Under The Act**

The Licensing Authority will investigate complaints against licensed premises in respect of matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

### **9 Register**

The Licensing Authority is required to maintain a public register. The register will be available for the public to view at any reasonable time. If requested, the Licensing Authority must supply a copy of the information contained in any entry in its register in legible form. A fee may be charged for any such copy. The Vale of Glamorgan Council will charge a standard fee of £25 per copy requested.

This document is available in Welsh, large print or Braille. If you wish to receive a copy of this statement in Welsh, large print or Braille please contact the **Licensing Section, Vale of Glamorgan Council, Council Offices, Holton Road, Barry, CF63 4RU, 01446 709105 [Licensing@valeofglamorgan.gov.uk](mailto:Licensing@valeofglamorgan.gov.uk)**

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