

## **The Vale of Glamorgan Council**

### **Statutory Licensing Committee: 15 January 2019**

### **Report of the Director of Environment and Housing**

### **Gambling Act 2005 Statement of Principles 2019-2022**

#### **Purpose of the Report**

1. To advise the Committee of the responses received from the consultation undertaken in respect of the Gambling Act 2005 Statement of Principles.

#### **Recommendations**

1. That the amendments to the Draft Statement of Principles be approved.
2. That the amended Statement of Principles be referred for comment to Cabinet on 4 February 2019 and then to Council for approval on 27 February 2019.

#### **Reasons for the Recommendations**

1. To comply with the requirement to publish a Statement of Principles relating to this Authority's gambling policy.

#### **Background**

2. The Gambling Act 2005 provides for a regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting.
3. The Gambling Commission was set up under the Gambling Act 2005 to regulate commercial gambling in Great Britain in partnership with licensing authorities. This licensing authority is responsible for issuing premises licences; issuing permits which allow low stakes gambling in venues which are not primarily for gambling, for example, pubs; for enabling societies to hold small lotteries; for ensuring compliance and enforcement of the Gambling Act 2005 locally.
4. The Council, as licensing authority is not responsible for the authorisation or enforcement of remote gambling e.g. online gambling.

#### **Relevant Issues and Options**

5. The Act places a duty on the Council to develop a Statement of Principles that promotes the three licensing objectives:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way, and

- Protecting children and other vulnerable persons from being harmed or exploited.
6. The Statement of Principles sets out how the licensing authority will exercise its functions and provides information to the public and the gambling sector alike.
  7. As reported to this Committee on 22 October 2018, the Statement of Principles was subject to a statutory consultation between 25 October 2018 and 19 December 2018. Consultation was effected as outlined in the report and included statutory consultees, elected Members and Community Councils. Notice of consultation was also sent to the Children's Commissioner for Wales as requested by Committee.
  8. Details of the responses are attached at Appendix A to the report. There were no responses from the public consultation and generic responses were sent by two organisations. Having assessed the responses, the majority of issues are addressed within the proposed policy but one organisation identified a potential for promotional material to have an impact on encouraging young people to enter premises when they are not legally entitled to do so. This could include window advertising, leaflets etc. It is therefore recommended that operators take this factor into account when carrying out the local risk assessment for the premises.
  9. The proposed amendment is at Part B Section 1 (vii) which relate to Risk Assessments where an additional bullet point is to be inserted as follows:
    - The impact of any promotional material associated with the premises and whether this could encourage the use of the premises by children or young people if they are not legally allowed to do so.
  10. The amendment is required to support the licensing objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.
  11. The approval of the policy, attached at Appendix B, is a Council function, and if the Committee is minded to approve the amendment to the policy, the recommendation refers the policy document to Cabinet for comment and to Council for approval on 27 February 2019. Following consultation and approval by Council, notice of publication of the new policy will be given in advance of the effective date of 28 March 2019.

### **Resource Implications (Financial and Employment)**

12. The consultation costs and publication of the Statement will be met from existing budget.

### **Sustainability and Climate Change Implications**

13. None

### **Legal Implications (to Include Human Rights Implications)**

14. Section 349 of the Gambling Act 2005 states:
15. (1) A Licensing Authority shall before each successive period of three years -
16. (a) prepare a Statement of the Principles that they propose to apply in exercising their functions under this Act during that period, and  
(b) publish it.
17. Consultation on this matter is prescribed by the Gambling Act 2005 and the Gambling Act 2005 (Licensing Policy Statement)(England and Wales) Regulations 2006.

## **Crime and Disorder Implications**

18. Under Section 17 of the Crime and Disorder Act 1998 the Council has a statutory duty to consider crime and disorder implications whilst regulating licensing activities. We must have due regard to the likely effect of the exercise of those functions on the need to do all we can to reasonably do to prevent crime and disorder in our area.
19. The Act places a duty on the Council to promote the three Licensing Objectives:
  - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder , or being used to support crime
  - Ensuring that gambling is conducted in a fair and open way, and
  - Protecting children and other vulnerable persons from being harmed or exploited.

## **Equal Opportunities Implications (to include Welsh Language issues)**

20. The Statement of Principles will be made available in English and Welsh for consultation and once published.

## **Corporate/Service Objectives**

21. Regulatory services contribute to the Well Being Outcome 1: "An inclusive and Safer Vale and Objective 2 Providing decent homes and safe communities."

## **Policy Framework and Budget**

22. This is a matter for decision by the Statutory Licensing Committee.

## **Consultation (including Ward Member Consultation)**

23. Consultation on this matter is prescribed by the Gambling Act 2005 and the Gambling Act 2005 (Licensing Policy Statement)(England and Wales) Regulations 2006.

## **Relevant Scrutiny Committee**

24. Homes and Safe Communities

## **Background Papers**

Gambling Commission statutory guidance 5th edition

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## **Officers Consulted**

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## **Responsible Officer:**

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APPENDIX A

	Response	Comment/Further action
Welsh St Donats Community Council	No Comments	n/a
Gambling Commission	<p>Licensed premises in general</p> <p>(a) Consider putting in a requirement that local risk assessments are kept on the premises</p> <p>(b) Consider setting out measures the authority expects to be considered for the granting of 3 or more permits in alcohol licensed premises.</p> <p>(c) Acknowledge that the Council has considered the Chief Medical Officer's report with respect to gambling</p>	<p>(a) This is addressed at Section 1 (vii) of the policy</p> <p>(b) This is set out at Part C Section (2) of the policy where the main focus is the need to protect children and vulnerable persons from harm or being exploited by gambling</p> <p>(c) The policy sets out that the licensing authority will have regard to the Chief Medical for Wales report</p>
Gosschalks Solicitors representing the Association of British Bookmakers (ABB)	On behalf of the ABB we welcome the light touch approach to the Statement of Principles and the concentration of matters that a relevant to Gambling Act 2005 applications. We especially welcome the acknowledgement that it is extremely unlikely that conditions beyond the mandatory and default conditions will be necessary.	n/a
Gamcare	A generic response has been sent to all licensing authorities outlining the issues which they believe should be highlighted with a policy statement.	<p>Some of the issues raised are mandatory requirements such as the provision of risk assessments.</p> <p>Recommendations for best practice in areas around training of staff, the location of premises in relation to sensitive premises,</p>

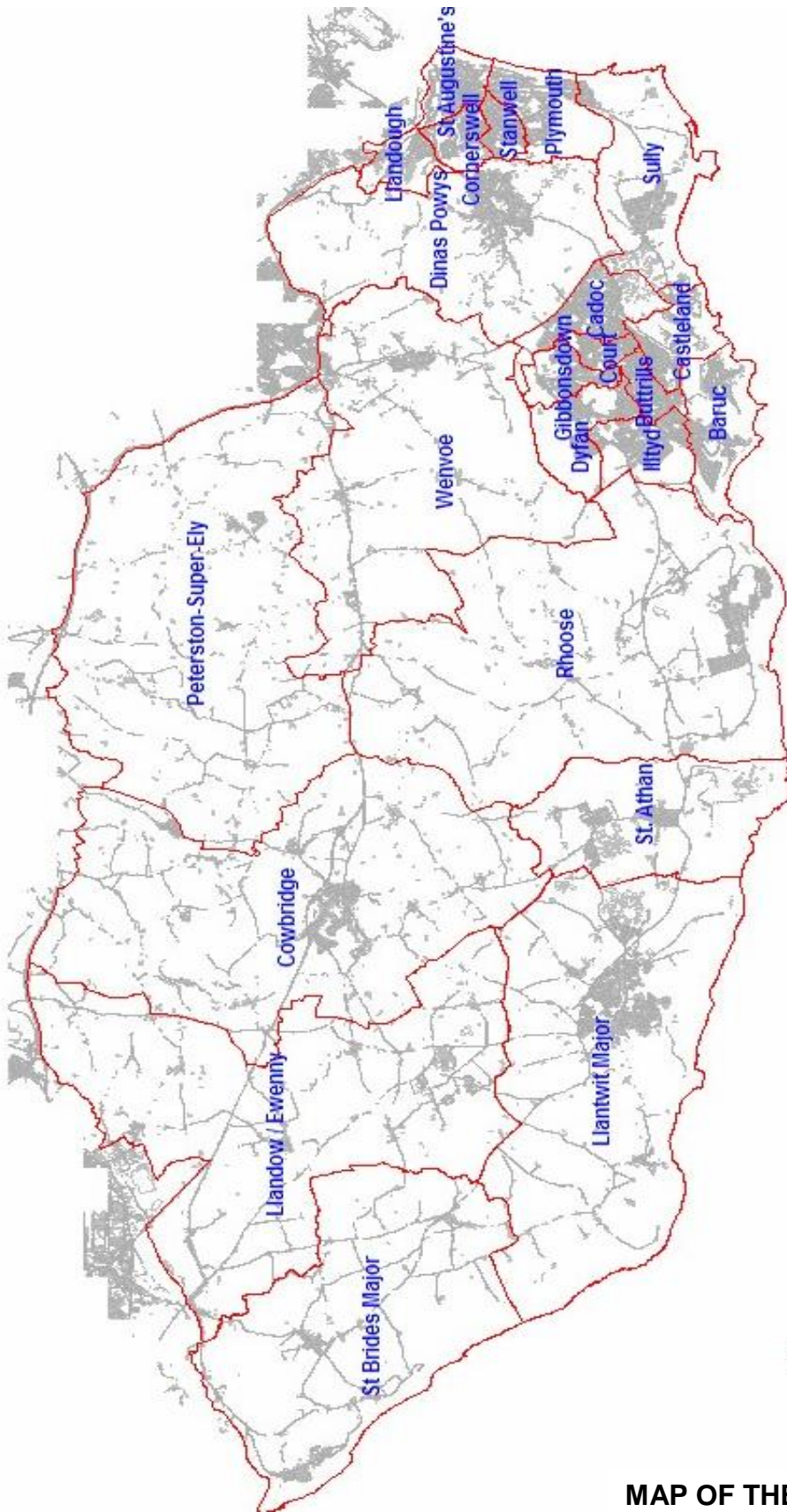
		<p>supervision and layout are covered within the draft policy.</p> <p>Gamcare has recommended consideration of the impact of promotional material relating to the premises, and whether this could encourage the use of the premises by children or young people if they are not legally allowed to do so.</p> <p>This could include posters or leaflets, or window displays</p> <p>Therefore it is recommended that the following guideline is added to the policy in Part B Section 1 (vii) Risk Assessments as follows:</p> <ul style="list-style-type: none"><li>• <b>The impact of any promotional material associated with the premises and whether this could encourage the use of the premises by children or young people if they are not legally allowed to do so.</b></li></ul> <p>Reason: Protecting children and other vulnerable persons from being harmed or exploited by gambling</p>
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**The Vale of Glamorgan Council**  
**Statement of Principles**  
**The Gambling Act 2005**  
**2019 – 2022**

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**MAP OF THE VALE OF GLAMORGAN**

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## **PART A**

### **1. The Licensing Objectives**

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

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

The Gambling Commission does not seek to offer a definition of “vulnerable persons” but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This Licensing Authority will consider this licensing objective on a case by case basis.

This Licensing Authority is aware that, as per Section 153, 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 code of practice issued by the Gambling Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of licensing policy

### **2. Introduction**

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 128,900. The main settlements are Barry, Penarth, Llantwit Major, Dinas Powys, Cowbridge and Rhoose. Barry, the largest town with a population of 53,000 is the Vale’s administrative centre, a seaside resort and port. Cardiff Airport is located 4 miles West of Barry. These areas are shown in the map at the front of this Statement.

It should be noted that this statement of licensing principles will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its

own merits and according to the statutory requirements of the Gambling Act 2005.

The Vale of Glamorgan Council consulted with the following parties between:

- Sample of premises licence holders
- All responsible authorities
- Town and Community Councils
- Elected Members
- Trade representatives
- Problem Gambling Organisations

The Wellbeing and Future Generations (Wales) Act 2015 requires all Welsh local authorities to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems such as poverty, health inequalities and climate change.

The Licensing Authority will have regard to the Chief Medical Officer for Wales Report to support the licensing objective in order to protect children and other vulnerable persons from being harmed or exploited by gambling.

### **3. 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;

- a) the need for the body to be responsible for an area covering the whole of the licensing authority's area and;
- b) the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

In accordance with the regulations, the Council 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) or upon request to the Licensing Department.

### **4. Exchange of Information**

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 Data Protection Act 2018 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

## 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 authorised 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 Authority will not apply a rigid rule to its decision making.

It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors, AMs and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represent the ward likely to be affected. Likewise, town and community councils likely to be affected will be considered to be interested parties.

Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

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 [Licensing@valeofglamorgan.gov.uk](mailto:Licensing@valeofglamorgan.gov.uk).

## 6. Compliance and 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.

This Licensing Authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and 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
- Targeted: regulation should be focused on the problem and minimise side effects

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 is to ensure compliance with the premises licences and other permissions which it authorises.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

This Licensing Authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

## 7. 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 (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions.

It should be noted that licensing authorities are not to be involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

## PART B PREMISES LICENCES: CONSIDERATION OF APPLICATIONS

### 1. General Principles

#### *(i) Decision making*

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 and / or relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing principles.

Each case will be decided on its merits and will depend to a large extent on the type of gambling that is proposed for the premises. Demand issues cannot be considered with regard to the location of premises but considerations in terms of

the licensing objectives can.

This Licensing Authority is aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences. In deciding to reject an application, the Licensing Authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met, and such objections do not relate to the licensing objectives.

### ***(ii) 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 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.

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

### ***(iii) Location***

This licensing authority will follow the Gambling Commission's guidance 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.

***(iv) Premises “ready for gambling”***

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

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 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.

Applicants should note that this 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.

***(v) Duplication with other regulatory regimes:***

This Licensing Authority will seek to avoid duplication with other statutory/regulatory systems where possible, including planning. The Licensing 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 proposed conditions which are not able to be met by the applicant due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this 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.

***(vi) Door Supervisors***

If the 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 condition to this effect. Where it is decided that supervision of entrances / machines is appropriate for particular cases, consideration of whether these need to be SIA licensed or not will be necessary.

### **(vii) Risk Assessments**

The Gambling Commission social responsibility code within the Licence Conditions and Codes of Practice (LCCP) requires gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

The Licensing Authority expects applicants to have a good understanding of the area in which they either operate, or intend to operate.

It is a mandatory requirement that risk assessments are carried out:

- when there are significant changes in local circumstances
- when there are significant changes at a licensee's premise that may affect their mitigation of local risks
- when applying for a variation of a premise licence
- when applying for the grant of a premise licence

The Licensing Authority would expect all premises to carry out a risk assessment and make them available upon request as good practice.

Matters that the assessment may include:

- The area in which the premise is located / to be located (e.g. what types of premise, open spaces, access routes are in the vicinity)
- The training of staff in brief intervention when customers show signs of excessive gambling, the ability of staff to offer brief intervention and how the manning of premises affects this.
- Details as to the location and coverage of working CCTV cameras, and how the system will be monitored.
- The layout of the premises so that staff have an unobstructed view of persons using the premises.
- The number of staff that will be available on the premises at any one time. If at any time that number is one, confirm the supervisory and monitoring arrangements when that person is absent from the licensed area or



- distracted from supervising the premises and observing those persons using the premises.
- Arrangements for monitoring and dealing with under age persons and vulnerable persons, which may include dedicated and trained personnel, leaflets, posters etc.
  - The provision of signage and documents relating to games rules, gambling care providers and other relevant information.
  - The impact of any promotional material associated with the premises and whether this could encourage the use of the premises by children or young people if they are not legally allowed to do so.

This is not an exhaustive list.

### ***(viii) Conditions***

Any conditions attached to licences will be proportionate and be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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, winning or prizes.

This licensing authority acknowledges that mandatory conditions are set by the Secretary of State with the intention that no further regulation in relation to that matter is required. Therefore it is considered extremely unlikely that the authority will need to impose individual conditions imposing a more restrictive regime in relation to matters that have already been dealt with by mandatory conditions.

The licensing authority will only consider imposing conditions where there is evidence of regulatory concerns of an exceptional nature and any additional licence conditions will relate to the licensing objectives.

In addition to any default conditions that may be prescribed by regulation, any conditions attached to licences by the licensing authority will be

proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and,
- reasonable in all other respects.

This licensing authority will also expect the licence applicant to offer his/her own suggestions as to the way in which the licensing objectives can be met effectively.

## **2. Adult Gaming Centres**

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, for example, ensure that under 18 year olds do not have access to the premises.

The Licensing Authority would request applicants to make contact with the Authority at their earliest convenience to discuss and work through these arrangements before making application and during any consultation.

The Licensing Authority will expect the applicant to satisfy the Authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Such measures may include:

- a) CCTV
- b) Supervision of entrance/exits
- c) Location of entry
- d) Physical separation of areas

This is not an exhaustive list

This Licensing Authority will consider the below criteria when access to and separation between an Adult Gaming Centre and an Unlicensed Family Entertainment Centre / Family Entertainment Centre is required;

- a) whether partitions are permanently fixed
- b) the materials to be used for the partitions
- c) ensuring machines are not used as a partition
- d) that access for customers between licensed areas is by way of an unlicensed area. This area could be a lobby but must not contain any gambling facilities but may contain an ATM, drinks machines etc.

A rope cordoning off an entrance or moveable partition would not be deemed sufficient

This is not an exhaustive list

### **3. (Licensed) Family Entertainment Centres**

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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Such measures may include:

- a) CCTV
- b) Supervision of entrance/exits
- c) Location of entry
- d) Physical separation of areas

This is not an exhaustive list.

This Licensing Authority will also consider the below criteria with regard to the over 18s area:

- e) whether partitions are permanently fixed
- f) the materials to be used for the partitions
- g) ensuring machines are not used as a partition

This is not an exhaustive list.

The Licensing Authority would request applicants to make contact with the Authority at their earliest convenience to discuss and work through these arrangements before making application and during any consultation.

### **4. Bingo premises**

Children are allowed into premises licensed for bingo but they are not allowed to participate in gambling, other than on category D machines. Where category C or above machines are available on the premises to which children are admitted the Licensing Authority will ensure that:

- a) 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;
- b) Only adults are admitted to the area where the machines are located.
- c) Access to the area where the machines are located is supervised

- d) 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
- e) At the entrance to, and inside any such are there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

## **5. Tracks**

This Licensing Authority is aware that tracks may be subject to one or more premise licence, provided each licence relates to a specified area of the track. Tracks may be a horse racecourse, greyhound track or other premise where any part where a race or sporting event takes place or is intended to take place.

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 where they are not permitted to enter.

## **6. Betting premises**

Children are not permitted entry to a premise with a betting premise licence, they may, however, be permitted entry to tracks.

The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events.

Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.

Under section 181 of the Act the Licensing Authority has 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.

When considering whether to impose a condition to restrict the number of betting machines in particular premises the 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.

The Licensing Authority cannot restrict the number or category of gaming machines in a betting premise. They are permitted to have up to 4 categories B, C or D gaming machines.

## **7. Casinos**

This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this statement of principles with details of that resolution. Any such decision will be made by Full Council.

## **8. Travelling Fairs**

This Licensing Authority is responsible for deciding whether, where category D 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 is 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**

An application for a provisional statement can be made to the Licensing Authority in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

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.

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.

## **10. 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.
- are frivolous
- are vexatious
- 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).

## **PART C**

### **Permits / Temporary & Occasional Use Notice**

#### **1. Unlicensed Family Entertainment Centre gaming machine permits**

Where a premise 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 premise will be wholly or mainly used for making gaming machines available for use.

##### Statement of Principles

The Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.

The efficiency of such policies and procedures will each be considered on their merits, however, they may include:

- appropriate measures and training for staff as regards suspected truant children on the premises
- measures and training covering how staff would deal with unsupervised very young children being on the premises
- measures and training covering how staff would deal with children causing perceived problems on or around the premises.

- the arrangements for supervision of premises either by staff and / or the use of CCTV.

This Licensing Authority in addition will also expect that applicants demonstrate:

- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
- That staff are trained to have a full understanding of the maximum stakes and prizes.
- A criminal record disclosure check from a recognised body dated within one calendar month of the date of the application being submitted to the Licensing Authority.

Where an applicant provides evidence that he has an Operating Licence and has as a result undergone rigorous checks by the Gambling Commission, then a criminal record disclosure check will not be required

While the Licensing Authority cannot attach conditions to this type of permit, the Licensing Authority can refuse applications if they are not satisfied that the issues raised in the “Statement of Principles” have been addressed through the application.

Applicants only need to address the “Statement of Principles” when making their initial applications and not at renewal time unless there have been changes.

## **2. (Alcohol) Licensed premises automatic entitlement 2 machines and gaming machine permits**

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.”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to:

- the need to protect children and vulnerable persons from harm or being exploited by gambling
- whether the applicant can 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 who will monitor that the machines are not being used by those under 18

- Appropriate notices and signage

### **3. 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.

The licensing authority does not intend to publish a separate statement of principles for considering applicant suitability for applications for prize gaming permits under paragraph 8 of Schedule 14 to the Act and, for ease of reference, includes this as part of this policy document.

This licensing authority will expect that, when making an application for a prize gaming permit, the applicant should set out the types of gaming that he or she is intending to offer and be able to demonstrate:

- that they understand the limits of stakes and prizes that are set out in Regulations and
- that the gaming offered is within the law.
- Clear policies are available which outline the steps to be taken to protect children from harm

### **4. Club Gaming and Club Machines Permits**

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines, equal chance gaming and games of chance.

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.

The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit in addition to the statutory conditions.

There is also a 'fast-track' procedure available under the Act for premises which



hold a Club Premises Certificate under the Licensing Act 2003. There is no opportunity for objections to be made by the Commission or the police, and the grounds upon which the Licensing Authority can refuse a permit are reduced.

The Licensing Authority may use the following grounds to refuse an application:

- (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."

## **5. Temporary Use Notices / Occasional use Notices**

The licensing authority has very little discretion as regards occasional use notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

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.

The licensing authority will have regard to guidance regarding the examples of premises that might be suitable for a temporary use notice which include hotels, conference centres and sporting venues.

The licensing authority will have particular regard to whether the effect of temporary use notices is to permit regular gambling in a place that could be described as one set of premises. Factors such as ownership, occupation and control of the premises will be considered when deciding whether to object to a temporary use notice.

## **6. Small Society Lotteries**

A Small Society Lottery is one that is established for charitable purposes, for enabling participation in, or of supporting, sport, athletics or a cultural activity or for any other non-commercial purpose other than that of private gain.

Tickets should not be sold in a street, where street includes any bridge, road, lane, footway, subway, square, court or passage (including passages through enclosed premises such as shopping malls). Tickets may, however, be sold in a street from a kiosk, in a shop or door to door.

## **7. 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.

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This document is available in Welsh, large print or audio. If you wish to receive a copy of this statement in Welsh, large print or audio or should you require any further information please contact:

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**26/3/2019**