

## Observations received

I refer to the draft Statement of principles and have observations in respect of the following;

**7.59** *"When dealing with a premises licence application for finished (my highlight) 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"*

Is this paragraph intended to deal with un-finished buildings? As the phraseology seems to suggest this is the case. However whether unfinished or finished I do not believe it satisfactory not to take account of building consents or fire and health and safety issues.

If such consents are not in place or health and safety are not taken into account when an application is submitted then in my view it is an abdication of responsibility of the licensing authority.

If the application concerns an un-finished building the very least the authority can do is to ensure that there is a legal undertaking in place by the applicant, that the building will comply with all relevant legislation for a premises to which the public have access whether on payment or not.

Page 9 (v) Planning: Door supervisors

*"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."*

In my opinion it is not for the authority to consider whether they need to be SIA licensed or not, as unless the employer or company has been given an exemption under Section 4(4) of the Private Security Industry Act 2001, it is a criminal offence to undertake the licensable activities of a door supervisor without an SIA licence.

Therefore as legislation prescribes the necessity of door supervisors being properly licensed the authority in my view cannot consider otherwise than to comply with the legislation.

I should like to know in due course the conclusion of the authority in relation to the consultation.

I trust this may be of some assistance.

## Response to observations received

Many thanks for your observations in relation to the draft Statement of Principles 2013-2016 consultation.

In response to your first observation:

I can confirm that it is in relation to finished premises. Under the Gambling act 2005 the application for gambling must be considered against the Licensing Objectives namely

- preventing gambling from being a source of crime and disorder, being associated with crime and 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
- and relevant guidance and codes of practice. The 'Licensing Authority' can only consider the gambling not the fact that it is a new or changed building.

These factors must be considered by the relevant departments e.g. Building Control  
[http://www.valeofglamorgan.gov.uk/living/building\\_control.aspx](http://www.valeofglamorgan.gov.uk/living/building_control.aspx)  
 Planning <http://www.valeofglamorgan.gov.uk/living/planning.aspx> , Health and Safety  
[http://www.valeofglamorgan.gov.uk/working/business\\_support/health\\_and\\_safety.aspx](http://www.valeofglamorgan.gov.uk/working/business_support/health_and_safety.aspx) and dealt with under their relevant legislation that they are delegated to act under.

Applicants can apply for a provisional statement under the Gambling Act 2005 where they expect it to be constructed, altered or acquire a right to occupy. A premises licence would still need to be applied for once the works etc are carried out. A person does not have to have the right to occupy the premises when applying for a provisional statement.

Sections 7.60 to 7.67 of the Gambling Commission guidance may be of further assistance in assisting with this matter.  
<http://www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012.pdf>

In response to your second observation:

I can confirm that it is the Licensing Authority's responsibility to apply the condition to the licence with regard to door supervision on a premises licence. Therefore the Licensing Authority must consider the appropriateness of whether the premises will be using 'in-house' (casino or bingo premises) or specialist contract door supervisors. The Licensing Authority must be satisfied that the appropriate licensed / unlicensed door supervisors are in place and that the condition is worded accordingly.

Part 33 of the Gambling Commission Guidance may be of assistance in this matter.

<http://www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012.pdf>

Advice to British Police services also expands a little more on the applying of Licensing Authority conditions

<http://www.gamblingcommission.gov.uk/pdf/advice%20for%20british%20police%20services%20%20-%20revised%20june%202012.pdf>

I hope my response clarifies your observations but should you have any further queries, please do not hesitate to contact me.

<b>Changes made to the Statement of Principles</b>	
<b>Changes Made</b>	<b>Reason for Change</b>
Remove the word "draft" (throughout document)	Proposed final document
Amend references to Gambling Commission paragraph numbers (throughout document)	New Gambling Commission Guidance released. Ensure accuracy.
Insert reference to consultation (page 3)	Requirement in regulations
Insert paragraph on tickets. <i>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. (paragraph 6. Small Society Lotteries)</i>	Additional information for clarification