



**Rhondda Cynon Taff  
County Borough Council**

**Gambling Act 2005  
Statement of Principles  
2019 - 2021**

**Date effective from 31<sup>st</sup> January 2019**

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## **1. Foreword**

- 1.1 Apart from the National Lottery and Spread Betting, gambling is regulated by the Gambling Commission, whose duties include the licensing of operators and individuals involved in the provision of gambling & betting facilities.
- 1.2 Rhondda Cynon Taf CBC (the Licensing Authority) is responsible for certain types of premises in respect of the issue of licences, permits and temporary use notices (amongst other matters).
- 1.3 As part of this process, the Licensing Authority is required to determine and publish a 'Statement of Principles', which details the criteria to be applied when exercising its licensing functions and determining applications.
- 1.4 The 'Statement of Principles' is intended to set the context of the Licensing Authority's approach to gambling matters in its area and aid applicants, residents, businesses, statutory consultees and the Licensing Committee in decision making, based on relevant local issues.
- 1.5 This document accordingly sets out the Council's 'Statement of Principles', within the parameters of the Gambling Act 2005 (and the Statutory Guidance issued to accompany it), which will in turn provide the framework governing the Licensing Authority when considering applications.
- 1.6 The Council will have regard to the Gambling Commission's Guidance issued February 2015 (or any subsequent amendments) in determining applications and also reserves the right to amend this policy without consultation where it is necessary to ensure that it reflects any revised national legislation or statutory guidance.
- 1.7 This Statement of Principles was approved by Full Council at the meeting held on 28<sup>th</sup> November 2018 and is effective from 31<sup>st</sup> January 2019, for a period of 3 years, (unless revised).

## **PART A**

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

- 1.1 The Licensing Authority is required to exercise most of its functions under the Gambling Act 2005 with a view to promoting the licensing objectives, namely:-
- 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.

### **2. Statement of Principles**

- 2.1 This statement of principles is intended to meet the Council's obligations under S.349 of the Act. As per Section 153, in carrying out its' functions in relation to Premises Licences & Temporary Use Notices, the Council will generally aim to permit the use of premises for gambling as long as it is considered to be:
- In accordance with any relevant Codes of practice issued by the Gambling Commission
  - In accordance with any guidance issued by the Gambling commission
  - Reasonably consistent with the licensing objectives
  - In accordance with this statement of principles
- 2.2 It should be noted that this policy 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 Gambling Act 2005.

### **3. The County Borough of Rhondda Cynon Taf**

- 3.1 Rhondda Cynon Taff covers an area of the South Wales Valleys stretching from the Brecon Beacons in the north, to the outskirts of Cardiff in the south. It comprises a mixture of urban, semi-suburban and rural communities, situated in mountains and lowland farmland.
- 3.2 Rhondda Cynon Taf is the second largest Local Authority in Wales, formed in 1996 from the former Boroughs of Rhondda, Cynon Valley and Taff Ely (part). The County Borough covers an area of 424 square kilometres with an estimated population of 239,127 (2017). The area has 75 electoral wards.
- 3.3 Townships include Pontypridd, Llantrisant, Aberdare, Mountain Ash, Tonypany and Porth, however there are numerous smaller commercial areas situated throughout the Borough, consistent with the communities they serve.
- 3.4 The area is land locked and lies between the County Boroughs of Powys, Merthyr, Neath Port Talbot, Caerphilly, Vale of Glamorgan, Bridgend and Cardiff.
- 3.5 Strategic highway links with the wider regions are provided by the M4, A470 and A465. A range of bus and rail services provides public transportation links across the region.
- 3.6 A key priority for the Council is the consideration of the Well-being of Future Generations (Wales) Act 2015 and contribution to the seven associated national goals:
  1. A more prosperous Wales
  2. A resilient Wales
  3. A healthier Wales
  4. A more equal Wales
  5. A Wales of cohesive communities
  6. A Wales of vibrant culture and thriving Welsh language
  7. A globally responsible Wales

### 3.7 Map of Council Area



## 4. Consultation

4.1 The statement of principles has been subject to consultation with: -

- 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.

4.2 A list (not exhaustive) of those persons consulted is provided at Appendix A.

4.3 Enquiries regarding this policy statement can be made to the following contact:

**Name: Martyn Owen (Assistant Licensing Manager)**

**Address: Ty Elai, Williamstown, Tonypany CF40 1NY**

**Tel: 01443 425477**

**E-mail: [licensing.section@rhondda-cynon-taff.gov.uk](mailto:licensing.section@rhondda-cynon-taff.gov.uk)**

### Declaration

In producing this policy document, Rhondda Cynon Taff County Borough Council 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 statement.

## 5. 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;
- b) The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

- 5.3 In accordance with the suggestion in the Gambling Commission's Guidance for Local authorities, this Authority designates the Cwm Taf Safeguarding Board for this purpose.
- 5.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available on request from the Licensing Team or via the Council's website at: [www.rctcbc.gov.uk](http://www.rctcbc.gov.uk)

## 6. Interested Parties

- 6.1 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 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 applications 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)”*

- 6.2 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision-making. In the case of doubt, the benefit will be given to the party making the representation until the contrary can be shown.
- Interested parties can include trade associations and residents'/tenants' associations, providing that they can show they represent someone who would be classed as an interested party in their own right. Councillors & MPs may also be interested parties, provided they act in respect of their own ward. Elected councillors may also represent interested parties, providing they do not also sit on the Licensing sub-committee determining the application in question.
- Other than these however, the 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.

- In determining whether someone 'lives sufficiently close' to a particular premises as to be likely to be affected by authorised activities, or has business interests likely to be affected, the Licensing Authority will have due regard to the Gambling Commission's Guidance to Local Authorities in this respect, together with any other matters it considers relevant to the particular application and /or locality.

## 7. Licensing Authority Functions

### 7.1 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
- 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

7.2 It should be noted that local Licensing Authorities would not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

7.3 The Council recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving all problems within the community. The Council will therefore continue to work in partnership with neighbouring authorities, South Wales Police, the Community Safety Partnership, Public Health, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Council recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

## 8. Exchange of Information

- 8.1 The Licensing Authority, in fulfilling its functions under sections 29, 30 & 350 of the Act, with respect to the exchange of relevant information with other regulatory bodies, will
- Ensure compliance with provisions of Data Protection Act (DPA) 2018 and the General Data Protection Regulation (GDPR) in accordance with Rhondda Cynon Taf existing policies;
  - Have regard to any Guidance issued by the Gambling Commission to Local Authorities on this, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.2 The Authority may, from time to time exercise its powers under S.115 of the Crime & Disorder Act to exchange data with the Police and other partners to fulfil its statutory objective of reducing crime in the area.

The Authority wishes to make its decision making process as transparent as possible and all representations made to it will be shared with all parties to an application.

## 9. Compliance & Enforcement

- 9.1 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.
- 9.2 The Authority has adopted the Government's principles of good enforcement, in accordance with the Regulator's Code. The Corporate Enforcement Policy is available on the Council's web site <http://www.rctcbc.gov.uk> and in hard copy from the Licensing Team.
- 9.3 The Licensing Authority will be guided by the Gambling Commission's Guidance for Local 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; and

- **Targeted:** regulation should be focused on the problem, and minimise side effects.

9.4 As per the Gambling Commission's Guidance for Local authorities the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Officers of the Council may inspect licensed premises as follows: -

- As part of the application process to assess the risk they pose;
- Random visits following complaint;
- Routine monitoring to ensure premises are operating in accordance with licence provisions

9.5 The Licensing Authority has established a risk based inspection programme. This provides for the targeting of agreed problem and higher-risk premises, but with less regular inspections of those lower-risk premises which are well managed and maintained.

9.6 Test Purchase activities may be undertaken to determine compliance as a complimentary measure to the risk based inspection programme. Such activity will be carried out by Trading Standards Officers. When undertaking test purchase activities, the Licensing Authority (on behalf of the Trading Standards Team) will undertake liaison with the Gambling Commission and the Operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of the operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

9.7 The main enforcement and compliance role for the Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions that it authorises.

9.8 The Gambling Commission will be the enforcement body for the Operating and Personal licences. Concerns regarding manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

9.9 The local authority will conduct multi agency visits to licensed premises to ensure compliance with the licensing objectives.

## **10. Betwatch**

10.1 The council encourage and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with the licensing officers.

## **11. Fees**

- 11.1 Premises Licence fees are set within the prescribed maximum levels in accordance with The Gambling (Premises Licence) Fees (England and Wales) Regulations 2007 and will be limited to full cost recovery. Fees for Permits and other services are set by the Secretary of State.
- 11.2 Information regarding the fees to be charged will be made available to the public via the Council's website or in writing upon request.
- 11.3 Where the annual fee for a premises licence or permit is not paid the Licensing Authority will revoke that licence/permit unless we believe it is attributable to administrative error.
- 11.4 Where a payment of an application fee is not honoured by the applicant's bank, the Licensing Authority will not regard the application as properly made and any licensable activity undertaken will be considered unlawful.
- 11.5 All non-payment of annual premises licence and permit fees will be reported to the Gambling Commission.

## **12. Safeguarding of Children and Vulnerable Adults**

- 12.1 There has been an increasing awareness of the problems in society generally connected with Child Sexual Exploitation. It is the Authority's opinion that Safeguarding of both children and vulnerable adults is everyone's responsibility and that gambling premises should be vigilant in this regard. Operators should have in place appropriate Safeguarding measures and should seek appropriate advice where necessary to ensure that they are aware of both national and local issues, best practice and/ or priorities.

## **13. Local Area Profiling**

- 13.1 The Gambling Commission has introduced provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require 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. The change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.
- 13.2 The risk based approach provides a better understanding of risk, and enables a proportionate response. This approach includes looking at future risks and thinking of probable risks. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

- 13.3 Gambling operators are required to undertake a risk assessment for all of their premises. Operators must also undertake a review of those assessments when circumstances change. These triggers, along with the Council's views on what would instigate either a new assessment or the review of an existing one are detailed within this part of the document.
- 13.4 The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks.
- 13.5 Risk assessments can make reference to the Council's area profile which may be compiled with respect to reported gambling-related problems in an area. At the time of preparing this edition of the Statement of Licensing Policy there has been no evidence presented to the Authority to support the assertion that any part had or is experiencing problems from gambling activities. This position will be kept under review and, in the event that it changes, further research will be carried out to discover the extent of the problems and to prepare an Area Profile accordingly.
- 13.6 Applicants and operators will need to consider factors such as:
- The types of premises and their operation in the local area surrounding these premises
  - The footfall in the local area, for example, does it predominately comprise residents, workers or visitors
  - Whether it is a family orientated area, popular with children and young people
  - Transport links and parking facilities
  - Educational facilities
  - Community centres
  - Hospitals, mental health or gambling care providers
  - Homeless or rough sleeper shelters, hostels and support services
  - The ethnicity, age, economic make-up of the local community
  - Significant presence of young children
  - High crime/unemployment area
  - Alcohol or drug support facility nearby
  - Pawn broker/pay day loan businesses in the vicinity
  - Other gambling premises in the vicinity
  - Community centres
  - Hospitals, mental health or gambling care providers

## **14. Significant changes in local circumstances**

- 14.1 Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.
- 14.2 The following lists sets out some examples of what the Licensing Authority considers to be significant changes in local circumstances:
- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
  - Any substantial building development or conversion of existing premises in the local area which may increase or decrease the number of visitors. For example, where premises are converted to a local supermarket or a new office building is constructed nearby.
  - Any new pay day loan or pawn brokers open in the local area.
  - Changes are made to the provision, location and/or timings of public transport in the local area, such as a bus stop which is used by children to attend school is moved to a location in proximity to gambling premises.
  - Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
  - The local area is identified as a crime hotspot by the police and/or Licensing Authority.
  - Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).
  - A new premises involving gambling activity opens in the local area.
- 14.3. The list above is not an exhaustive list of significant changes in local circumstances. The Licensing Authority will provide information to gambling operators when it feels a significant change has occurred in the local area. The Licensing Authority will set out what that change is and may provide information on any specific concerns it may have that should be considered by operators. However, operators must also consider what is happening in their local areas and it is their responsibility to identify significant changes which may require a review and possibly an amendment to their risk assessment. A significant change can be temporary and any temporary changes should be considered and adjustments made to the local risk assessment if necessary.

## **15. Significant changes to the premises**

15.1 From time to time operators will undertake to refresh the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

15.2 The following list sets out some examples of what the Licensing Authority considers to be significant changes to the premises (some of which may also require a variation to the existing premises licence). As with the examples of significant changes in local circumstances set out above, the following list is not an exhaustive list of significant changes to premises - operators must consider whether any change that they are proposing to their premises is one that may be considered significant.

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self-Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

## **PART B**

### **PREMISES LICENCES**

#### **16. General Principles**

- 16.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and 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.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission commencing in May 2015 places further obligations on applicants/licensees to complete a risk assessment based on Code 8, the Social Responsibility Code. The Council will have regard to this Code when considering applications. This is covered in detail in Section 27 of this Statement.

#### **(i) Decision Making**

- 16.2 The 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 licensing policy.

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 below – page 14) and also that unmet demand is not a criterion for a Licensing Authority.

- 16.3 The Licensing Authority also notes the Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premise. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licences.

In making this determination, the licensing Authority will have regard to the six indicators of betting as a primary gambling activity, as follows:-

- The offer of established core products (including live event pictures & bet range);

- The provision of information on products & events;
- The promotion of gambling opportunities & products;
- The actual use made of betting facilities;
- The size of premises;
- The delivery of betting facilities.

**(ii) Definition of “premises”-**

- 16.4 Premises is defined in the Act as “any place”. Section 152 therefore prevents more than one premises licence applying to any place. 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.

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.

The Gambling Commission states in its Guidance to Licensing Authorities 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.”

- 16.5 **The Licensing Authority takes particular note of the Gambling Commission’s Guidance for Local 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.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- 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 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:**

### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 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 per paragraph 7.23 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
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

### (iii) Premises “ready for gambling”

- 16.7 The 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.

#### **(iv) Location**

- 16.8 The 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. As per the Gambling Commission's Guidance for Local 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.

#### **(v) Duplication with other regulatory regimes (including Planning)**

- 16.9 This Licensing Authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including Planning. The 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 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) Licensing objectives**

- 16.10 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the Licensing Authority has considered the Gambling Commission's Guidance to Local Authorities and some comments are made below.

##### **(i) Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**

The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. 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.

The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

## **(ii) Ensuring that gambling is conducted in a fair and open way**

The Gambling Commission does not generally expect Licensing Authorities to become 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 regard to tracks, which is explained in more detail in the 'tracks' section.

## **(iii) Protecting children and other vulnerable persons from being harmed or exploited by gambling**

Apart from limited exceptions, the intention of the Act is that children & young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises, which are 'adult only' environments.

There may also be restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children.

The 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.

This Licensing Authority will also make itself aware of the Codes of Practice, which the Gambling Commission issues as regards this licensing objective, in relation to specific premises.

The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how Operators **must** prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular, Operators must ensure that:

- All staff are trained;
- All customers are supervised when on gambling premises’;
- Procedures are in place for identifying customers who are at risk of gambling related harm.

The Council will expect all operators to have policies & procedures in place as required by LCCP in respect of social responsibility to cover all aspect of the code, in particular staff training and self-exclusion records.

As regards the term “**vulnerable persons**” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling 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.”

#### **(vii) Conditions**

16.11 Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.

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 as to way in which the licensing objectives can be met effectively.

16.12 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.

16.13 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.

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

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.

#### **(viii) Door Supervisors**

16.15 The Gambling Commission advises in its Guidance to Licensing Authorities 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 (as per the Guidance, Part 33).

## **17. Adult Gaming Centres (AGC's)**

17.1 The 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.

17.2 The Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **18. Licensed Family Entertainment Centres:**

18.1 The Licensing Authority will have specific regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to offer their own measures to promote the licensing objectives and ensure that under 18 year olds do not have access to the 'Adult Only' gaming machines. However appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

- 18.2. The Licensing Authority will, as per 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. The Licensing Authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

## **19. Casinos**

There are currently no casinos operating within Rhondda Cynon Taf, it not being a designated area under the provisions of the Gambling Act 2005.

Rhondda Cynon Taf has not passed a resolution to prohibit casinos at this time. The Licensing Authority reserves the right to review the position on casinos at any time.

## **20. Bingo premises**

- 20.1 This Licensing Authority notes that the Gambling Commission's guidance states:
- 20.2 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.
- 20.3 This Authority also notes the Guidance at paragraph 18.8 which states S.172(7), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: Categories of Gaming Machine Regulations 2007) (but not B3A) and B4 machines.

- 20.4 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.

## **21. Betting Premises**

Persons wishing to operate a Betting Premises will require a betting premises licence from the Licensing Authority and any premises holding such licence must not be accessible to children & young persons.

Betting Machines (bet receipt terminals) in Betting Premises

The Licensing Authority will, as per Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person to person transactions, and the ability of the staff to monitor the use of the machines by vulnerable adults, children & young persons (it is an offence for those under 18 to bet), when considering the number/nature/circumstances of betting machines an operator wishes to offer.

## **22. Tracks**

- 22.1 There are currently no opportunities for betting at tracks within Rhondda Cynon Taf.
- 22.2 Tracks may be subject to one or more than one 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 where they are not permitted to enter.
- 22.3 The 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.
- 22.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV

- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

22.5 **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.

22.6 **Betting machines** - This Licensing Authority will, as per the Gambling Commission's 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 wants to offer.

22.7 **Applications and plans** - The Gambling Act (S.151) requires applicants to submit plans of the premises with their application, in order to ensure that the 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 the 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 races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This 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 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.

### **23. Travelling Fairs**

- 23.1 It will fall to the Licensing Authority to decide 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.
- 23.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 23.3 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. The 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.

### **24. Provisional Statements**

- 24.1 Developers may wish to apply to this 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.

S.204 of the Gambling Act provides for a person to make an application to the 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.

- 24.2 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.
- 24.3 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.

24.4 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant Authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the Authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the Authority's opinion reflect a change in the operator's circumstances.
- (c) 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.

## **25. Reviews:**

25.1 Interested parties or Responsible Authorities can make requests for a review of a premises licence.

25.2 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,
- frivolous,
- vexatious,
- will certainly not cause the Authority to wish to alter/revoke/suspend the licence,
- whether it is substantially the same as previous representations or requests for review.
- 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.

25.3 The Licensing Authority can also initiate a review of a licence on the basis of any reason that it thinks is appropriate.

25.4 Once a valid application for a review has been received by the 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 the licensing authority, who will publish notice of the application within 7 days of receipt.

The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

25.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (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.

25.6 In determining what action, if any should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

25.7 In particular, the 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.

25.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and Her Majesty's Commissioners for Revenue and Customs

## PART C

### Permits / Temporary & Occasional Use Notice

#### **26. Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits**

26.1 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 premises will be wholly or mainly used for making gaming machines available for use (Section 238).

26.2 The Act 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.

26.3 An FEC gaming machine permit cannot be granted unless the Chief Officer of Police has been consulted and no conditions may be imposed upon grant of the permit. Therefore the Licensing Authority will wish to be satisfied as to the applicant's suitability before granting a permit.

#### 26.4 Statement of Principles

Applicants will be expected 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/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

26.5 Applicants will be expected to demonstrate: -

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- 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
- an awareness of local school holiday times and how to liaise with relevant Education Welfare Officers regarding truancy.

26.6 A plan of the premises will need to be provided indicating any entrances and any areas where gaming machines are located.

## 27. (Alcohol) Licensed premises Gaming Machine Permits

27.1 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.

27.2 The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the Licensing Authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

27.3 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 they think relevant.*”

### 27.4 Statement of principles

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 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.

27.5 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. Notices and signage may also be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

27.6 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.

27.7 It should be noted that the Licensing Authority could 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.

- 27.8 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

## **28. Prize Gaming Permits**

- 28.1 The 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”.

### **28.2 Statement of Principles**

The applicant should set out the types of gaming that he or she is intending to offer and that 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 the steps to be taken to protect children from harm.

- 28.3 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

- 28.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. 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.

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

29.1 Members Clubs and Miners' Welfare Institutes may apply for a Club Gaming Permit or a Club Gaming Machine Permit. Commercial Clubs cannot apply for a Club Gaming Permit.

### **29.2 Club Gaming Permit**

The Club Gaming Permit will enable the premises to provide gaming machines:

- Up to 3 machines of categories B, C or D,
- equal chance gaming and
- games of chance as set out in regulations.

### **29.3 Club Gaming Machine Permit**

A Club Gaming machine permit will enable the premises to provide gaming machines:

- 3 machines of categories B, C or D; and
- Equal chance gaming as set out in regulations

The Licensing Authority will wish to be satisfied that applicants for these permits meet the statutory criteria for qualifying member's clubs contained in sections 266 & 267 of the Act.

## **30. Temporary Use Notices**

30.1 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.

The 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.

30.2 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 Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

- 30.3 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 Commission 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". 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.
- 30.4 This Licensing Authority 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.

### **31. Occasional Use Notices:**

The Licensing Authority has very little discretion as regards these 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.

### **32. Small Society Lotteries**

This Licensing Authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. The 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

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Proceeds must not exceed £20,000 for a single draw and aggregate proceeds from lotteries must not exceed £250,000 in any one year.

Charities and community groups are advised to contact the Licensing Team at [licensing.section@rctcbc.gov.uk](mailto:licensing.section@rctcbc.gov.uk) for further guidance on their specific proposals.

### 33. Licensing Conditions & Codes of Practice 2015 (LCCP)

The Gambling Commission released an LCCP in February 2015, (commencement date May 2015), the effect of which is to strengthen the social responsibility code requirements. Details regarding the LCCP and Social Responsibility code can be accessed via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

#### 33.1 The Code requires operators to:

- Supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm;
- Have in place, (with effect from April 2016), schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work;
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading;
- Produce a risk assessment on individual premises, (with effect from April 2016) and have policies, procedures and control measures in place to mitigate local risks to the licensing objectives.

#### 33.2 Risk assessment – Betting Premises

The Social Responsibility Code (SRC) requires all operators of Casinos, Adult Gaming Centres (AGC); Bingo premises; Family Entertainment Centres (FEC's); Betting Shops and Remote Betting Intermediaries to assess local risks to the licensing objectives and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the SRC to make such risk assessments available to Licensing Authorities on request, (as of 1<sup>st</sup> April 2016) and this will form part of the Council's inspection regime and may be requested when Officers are investigating complaints.

#### 33.3 The SRC requires the Council to set out in their Statement of Principles, the matters they expect the operator to take account of in the risk assessment. This Council expects the following general matters to be considered by Operators when making risk assessments:-

- **Information held by the Licensee regarding self-exclusions and incidences of under-age gambling;**
- **Gaming trends that may reflect benefit payments;**
- **Arrangements for localised exchange of information regarding self-exclusion and gaming trends;**

- Urban setting such as proximity to schools, commercial environment, factors affecting footfall;
- Facilities in proximity to the licensed premises such as other gambling outlets, Banks, Post Offices, refreshment and entertainment type facilities;
- Regard to local problems in the area such as anti social behaviour arising from street drinkers, youth annoyance, substance misuse etc.

**33.4 Matters relating to children & young persons specifically including:-**

- Premises, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as Bowling Alleys, Cinemas etc;
- Any premises where children are likely to congregate including Bus Stops; Cafes, shops or 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.

**33.5 Matters relating specifically to vulnerable adults including:-**

- Information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that mirror days for financial payments such as pay days or Benefit Payments;
- Arrangements for localised exchange of information regarding self-exclusion and gaming trends;
- Proximity of premises which may be frequented by vulnerable people such as Hospitals; Residential Care Homes; medical facilities; Doctor's Surgeries; Housing Offices Addiction Clinics or Help Centres and other places where persons experiencing substance misuse may congregate.

**33.6 This list is not exhaustive and there may be other matters identified that will require consideration , such as matters of faith, including all religious & faith denominations including proximity of churches, mosques, temples or any other place of worship.**

### List of Consultees

A list of persons consulted is provided below. It should be noted that unsolicited comments may have been received from other persons but have not been listed.

The Gambling Act requires that the following parties be consulted by Licensing Authorities:

***One or more persons, who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area.***

The Authority has therefore consulted:

- William Hill plc
- Done Bros T/A 'Betfred'
- The Ladbrokes Coral Group
- British Beer & Pub Association
- BACTA
- Top Ten Bingo / Castle Bingo / Cashino Gaming
- BALPPA
- Association of British Bookmakers (ABB)
- Gamcare
- Bingo Association of Great Britain
- Independent Bookmakers in the 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:***

- Gambling Commission
- South Wales Police
- South Wales Fire & Rescue Service
- Head Of Planning & Development, RCT CBC
- Head of Child Protection & Reviewing Services RCT CBC
- Environment Team RCT CBC
- Workingmen's Clubs & Institute Union
- HM Revenue & Customs
- Public Health Wales

## Appendix B

### Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year statement of principles	<b>X</b>		
Policy not to permit casinos	<b>X</b>		
Fee setting - when appropriate			<b>X</b> (to be approved by the Executive)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		<b>X</b>	
Application for club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Cancellation of club gaming/club machine permits		<b>X</b>	
Applications for other permits			<b>X</b>
Cancellation of licensed premises gaming machine permits			<b>X</b>
Consideration of temporary use notice			<b>X</b>
Decision to give a counter notice to a temporary use notice		<b>X</b>	
<i>*Duty to comply with requirement to provide information to Gambling Commission</i>			<b>X</b>
<i>*Functions relating to exchange of information</i>			<b>X</b>
<i>*Registration &amp; regulation of small society lotteries</i>			<b>X</b>

**X** indicates at the lowest level to which decisions can be delegate

\* as per Local Authorities(Executive Arrangements)(Functions & Responsibilities)(Wales)(Amendment) Regulations 2009

# Useful Contacts

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

**Martyn Owen (Assistant Licensing Manager)**  
**Rhondda Cynon Taf County Borough Council**  
**Ty Elai**  
**Dinas Isaf East**  
**Williamstown**  
**Tonypandy CF40 1NY**

**Tel: 01443 425001**

**E-mail: [licensing.section@rctcbc.gov.uk](mailto:licensing.section@rctcbc.gov.uk)**

**Website : [www.rctcbc.gov.uk](http://www.rctcbc.gov.uk)**

Information is also available from:-

## **Gambling Commission**

**Victoria Square House**  
**Victoria Square**  
**Birmingham**  
**B2 4BP**

**Tel: 0121 230 6666**  
**Fax: 0121 237 6720**

**E-mail: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)**

**Website : [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)**

## **Department of Culture, Media and Sport**

**2-4 Cockspur Street**  
**London**  
**SW1Y 5DH**

**Tel: 020 7211 6200**

**E-mail: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)**

**Website : [www.culture.gov.uk](http://www.culture.gov.uk)**