

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015-2016

COUNCIL

25TH NOVEMBER, 2015

**REPORT OF THE GROUP DIRECTOR,
COMMUNITY & CHILDREN'S SERVICES**

Item No. 10
ADOPTION OF STATEMENT OF PRINCIPLES 2016 – 2018

AUTHOR: Meryl D Williams, Licensing Manager

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to consider the minor revisions to the current Statement of Principles for the Gambling Act 2005 (to reflect legislative changes only), as outlined in the attached report that is being considered by Cabinet on the 24th November, 2015.

2. RECOMMENDATIONS

That subject to the consideration of the attached report by Cabinet at its meeting on the 24th November, 2015 and commendation of the recommendations, it is recommended that Members:

- 2.1 Note the view of the Licensing Committee in respect of the current Statement of Principles, which is considered to continue to be 'fit for purpose'.
- 2.2 Considers the revised Statement of Principles for the Gambling Act 2005, which has been updated to reflect legislative changes only.
- 2.3 Approve the changes made, and to adopt the revised Statement of Principles with effect from the 31st January, 2016, for a period of three years (unless subject to interim review).

3. BACKGROUND

- 3.1 The Statement of Principles (policy) forms the Licensing Authority's mandate for managing local gambling provision and sets out how the Licensing Authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
- 3.2 Licensing Authorities are required to ensure that the Statement of Principles balances the need for a degree of certainty on the part of gambling businesses with the need to remain responsive to emerging risks.
- 3.3 Members are therefore requested to give consideration to the attached report which is being presented to Members of the Cabinet on the 24th November, 2015.

LOCAL GOVERNMENT ACT 1972

AS AMENDED BY

THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

COUNCIL

25th NOVEMBER 2015

REPORT OF THE GROUP DIRECTOR OF COMMUNITY & CHILDREN'S

**ADOPTION OF STATEMENT OF PRINCIPLES 2016 – 2018 GAMBLING
ACT 2005**

Background Papers

Gambling Act 2005

Officer to contact: Meryl Williams, Licensing Manager

APPENDIX

AGENDA ITEM 4

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

24TH NOVEMBER 2015

**ADOPTION OF STATEMENT OF PRINCIPLES 2016 – 2018
GAMBLING ACT 2005**

**REPORT OF THE GROUP DIRECTOR OF COMMUNITY & CHILDREN'S
SERVICES IN DISCUSSION WITH CABINET MEMBER, COUNCILLOR J
ROSSER**

AUTHOR: Meryl D Williams, Licensing Manager

1. PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to consider the minor revisions to the current Statement of Principles for the Gambling Act 2005 (to reflect legislative changes only), and to commend to Full Council the adoption of the updated Statement of Principles for the period 2016-18.

2. RECOMMENDATIONS

It is recommended that the Cabinet:

- 2.1 Note the view of the Licensing Committee in respect of the current Statement of Principles, which is considered to continue to be 'fit for purpose'.
- 2.2 Considers the revised Statement of Principles for the Gambling Act 2005, which has been updated to reflect legislative changes only.
- 2.3 Approve the changes made to the revised Statement of Principles and commend the revised version to full Council for approval and adoption.
- 2.4 That subject to adoption by Full Council, the revised Statement of Principles is effective from the 31st January 2016, for a period of 3 years, (unless subject to interim review).



3. REASONS FOR RECOMMENDATIONS

- 3.1 The current Statement of Principles is effective up to 30th January 2016 and legislation requires that Full Council must review the suitability of the Statement for the forthcoming three year period, commencing 31st January 2016.
- 3.2 The Gambling Trade in Rhondda Cynon Taf is fairly static with relatively low levels of activity, is well controlled and intervention and enforcement is minimal. It is therefore considered that the current Statement of Principles continues to be 'fit for purpose', subject only to the need for update in the context of legislative changes.

4. BACKGROUND

- 4.1 The Statement of Principles (policy) forms the Licensing Authority's mandate for managing local gambling provision and sets out how the Licensing Authority views the local risk environment and therefore its expectations in relation to operators with premises in the locality.
- 4.2 Licensing Authorities are required to ensure that the Statement of Principles balances the need for a degree of certainty on the part of gambling businesses with the need to remain responsive to emerging risks.
- 4.3 It provides a framework for the determination of applications, particularly where applications may be contested. However, unlike the Licensing Act 2003 (and determination of alcohol licences), since the inception of the Gambling Act 2005, (September 2007), there have been no contested applications to date. This is an indication of the profile of trade in the Gambling environment for Rhondda Cynon Taf and the relatively limited impact that the Local Authority gambling controlled functions have on our communities.
- 4.4 Recent legislative changes have focussed on developing the social responsibility of operators and to ensure that there is regard for the local environment. (This is a concept not unfamiliar to the Licensing Authority in its implementation of the Licensing Act 2003 and administration of alcohol and entertainment licences.)
- 4.5 In welcoming the emphasis on social responsibility, it is noted that such formal provisions do not come into force until April 2016. However, a statement is included in the current revisions to enable such considerations to be taken into account when implemented.



5 EQUALITY AND DIVERSITY IMPLICATIONS

- 5.1 An Equality Impact Assessment (EqIA) screening form has been prepared for the purpose of this report. It has been found that a full report is not required at this time. The screening form can be accessed by contacting the author of the report or the Cabinet Business officer.

6 CONSULTATION

- 6.1 The Council has a statutory duty under the terms of the Gambling Act 2005 to consult a wide range of persons when determining its Statement of Principles. However, Statutory Guidance is clear that where the Statement of Principles is subject to minor revisions, it is only necessary to consult on such revisions in a manner which is proportionate to the changes. It is for the Licensing Authority to determine the level of consultation required.
- 6.2 It is considered that the only revisions necessary to the Statement of Principles at this time is to update in accordance with legislative changes. On that basis it is considered that consultation on the changes are unnecessary.

7 FINANCIAL IMPLICATION(S)

- 7.1 There are no financial implications to the recommendations in this report.

8 LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED

- 8.1 The Gambling Act 2005 requires that the Statement of Principles be adopted by Full Council, on a three yearly basis as a statutory minimum. This does not preclude the revision of the policy statement at any time during that period, should it be considered necessary or desirable to do so. However, an interim review does not replace the requirement to prepare & publish a statement of policy every three years from the date of publication of the Authority's first statement.
- 8.2 The Licensing Authority has limited discretion as to the format of the Statement of Principles in that the Statutory Guidance provides specific information as to the matters that **must** be included. (*This is outlined at Guidance to Licensing Authorities, 5th Edition, September 2015; Paras 6.1 to 6.77 inclusive.*)



- 8.3 The revised Statement of Principles must be published on the Council's website at least four weeks prior to its taking effect and in a local newspaper circulating in the area or on a public notice board in or near the principal office of the Authority.

9 LINKS TO THE COUNCILS CORPORATE PLAN/OTHER CORPORATE PRIORITIES/SIP

- 9.1 The Statement of Principles ensures that the Council, as Licensing Authority, properly discharges its statutory duties in relation to those gambling activities that fall within its regulatory responsibility. In doing so the Council ensures that such activities are properly regulated and that the trade understand the expectations of the Licensing Authority in running their businesses. This policy contributes to the safety of our communities and is therefore consistent with the strategic themes of the Single Integrated Plan.

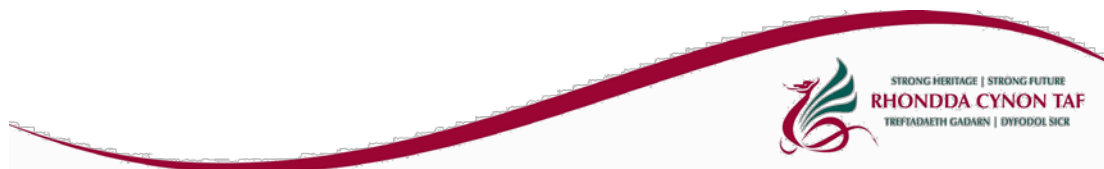
10 CONCLUSION

- 10.1 The Council is required to review the Statement of Principles in order to meet their statutory obligations where a revised policy needs to have effect by 31st January 2016.
- 10.2 Having considered the profile of the gambling trade in the Borough and the impact of the trade on the local community, it is considered that the current statement of principles (subject to legislative amendment) continues to be fit for purpose.
- 10.3 Accordingly it is proposed that the revised Statement of Principles be adopted for the period 31st January 2016 to 30th January 2018.
- 10.4 A copy of the proposed Statement of Principles is reproduced as Appendix 1 with the amendments highlighted in red text for ease of reference.

Rhondda Cynon Taf CBC

Statement of Principles - Gambling Act 2005

31 January 2016 (for a period of 3 years)



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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 it's 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 **25th November 2015 and is effective from 31/1/16**, for a period of 3 years, (unless revised).

PART A

1. The Licensing Objectives

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. 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 The County Borough of Rhondda Cynon Taf lies to the north of Cardiff at the heart of South Wales. It is the second largest Authority in Wales, covering an area of approximately 162 square miles stretching from the outskirts of the City of Cardiff, north to the Brecon Beacons National Park.

- 3.2 It has a current population of almost 250,000 inhabitants and just below 100,000 households. 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.
- 3.3 Rhondda Cynon Taf is made up of a mixture of rural and urban areas with a series of communities of various sizes focussed around eight town centres. The area has a strong heritage of heavy industry and mining and the loss of this industrial base has resulted in a more diverse employment profile.
- 3.4 A key priority for the Council is therefore reconciling rapid social & economic change with the needs of our communities, whilst seeking to promote fairness and equality of opportunity in the regeneration of the area.
- 3.5 Further information about the Borough is contained in the document 'Delivering Change a Single Integrated Plan' which can be obtained at Council Offices or at <http://www.rhondda-cynon-taff.gov.uk>

3.6 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 full but not exhaustive list of those persons consulted is provided at Appendix A.

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

Name: Andrew Mallin (Community Safety & Licensing Manager)

Address: Ty Elai, Williamstown, Tonypanyd CF40 1NY

Tel: 01443 425477

E-mail: licensing.section@rhondda-cynon-taff.gov.uk

The Council has determined that consultation on the Statement of Principles is unnecessary in that it reflects only legislative changes since its approval and adoption by Full Council 12th December 2012.

Declaration

In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission and any responses from those consulted on the statement.

5. Responsible Authorities

5.1 The Licensing Authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the Licensing Authority's area; and

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 5.2 In accordance with the suggestion in the Gambling Commission's Guidance for Local authorities, this Authority designates the Local Safeguarding Children Board for Rhondda Cynon Taf for this purpose.
- 5.3 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.rhondda-cynon-taff.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. Exchange of Information

7.1 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 1998 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.

7.2 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.

Information on data exchange protocols is available from the Licensing Team on request.

8. Compliance & Enforcement

8.1 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.

8.2 **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.rhondda-cynon-taff.gov.uk> and in hard copy from the Licensing Team.

8.3 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.

8.4 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

8.5 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.

8.6 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.

8.7 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.

8.8 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. Licensing Authority Functions

9.1 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

9.2 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.

PART B

PREMISES LICENCES

10 General Principles

- 10.1 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

- 10.2 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.

- 10.3 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”-

10.4 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.”

10.5 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.

10.6. 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"

- 10.7 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

- 10.8 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)

- 10.9. 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

- 10.10 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 below – page 15.

(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 aspects 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

10.11 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.

10.12 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.

10.13 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.

10.14 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

10.15 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).

11. Adult Gaming Centres (AGC's)

11.1 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.

11.2 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.

12. Licensed Family Entertainment Centres:

12.1 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.

12.2. 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.

13. 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.

14. Bingo premises

- 14.1 This Licensing Authority notes that the Gambling Commission's guidance states:
- 14.2 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.
- 14.3 This Authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 14.4 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.

15. 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.

16. Tracks

- 16.1 There are currently no opportunities for betting at tracks within Rhondda Cynon Taf.
- 16.2 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.

- 16.3 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.
- 16.4 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.

- 16.5 **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.
- 16.6 **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.
- 16.7 **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.

17. Travelling Fairs

- 17.1 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.
- 17.2 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 17.3 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.

18. Provisional Statements

- 18.1 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.

- 18.2 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.
- 18.3 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.
- 18.4 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.

19. Reviews:

- 19.1 Interested parties or Responsible Authorities can make requests for a review of a premises licence.
- 19.2 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.

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

19.4 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.

19.5 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.

19.6 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.

19.7 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.

19.8 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

20. Unlicensed Family Entertainment Centre (FEC) Gaming Machine Permits

20.1 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).

20.2 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.

20.3 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.

20.4 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.

20.5 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.

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

21. (Alcohol) Licensed premises Gaming Machine Permits

21.1 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.

21.2 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.

21.3 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.*”

21.4 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.

21.5 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.

21.6 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.

21.7 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.

21.8 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.

22. Prize Gaming Permits

22.1 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”.

22.2 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.

22.3 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.

22.4 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.

23. Club Gaming and Club Machines Permits

23.1 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.

23.2 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.

23.3 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.

24. Temporary Use Notices

24.1 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.

24.2 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.

24.3 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.

24.4 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.

25. 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.

26. 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@rhondda-cynon-taff.gov.uk for further guidance on their specific proposals.

27. 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.gambling.commission.gov.uk

27.1 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.

27.2 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 1/4/16) and this will form part of the Council's inspection regime and may be requested when Officers are investigating complaints.

27.3 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.

27.4 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.

27.5 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.

27.6 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.

Appendix A

List of Consultees

A list of persons originally consulted on this Statement of Principles is provided below.

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 previously consulted:

- William Hill plc
- Done Bros T/A 'Betfred'
- Coral
- Ladbrokes Ltd
- 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

Appendix B

Table of Delegations of Licensing Functions

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
Three year statement of principles	X		
Policy not to permit casinos	X		
Fee setting - when appropriate			X (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		X	
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		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
<i>*Duty to comply with requirement to provide information to Gambling Commission</i>			X
<i>*Functions relating to exchange of information</i>			X
<i>*Registration & regulation of small society lotteries</i>			X

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:-

Andrew Mallin (Community Safety & Licensing Manager)

Rhondda Cynon Taf County Borough Council
Ty Elai
Dinas Isaf East
Williamstown
Tonypany CF40 1NY

Tel: 01443 425477

E-mail: licensing.section@rhondda-cynon-taff.gov.uk

Website : www.rhondda-cynon-taff.gov.uk

Information is also available from:-

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Fax: 0121 237 2236

E-mail: info@gamblingcommission.gov.uk

Website : www.gamblingcommission.gov.uk

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2-4 Cockspur Street
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