

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

MUNICIPAL YEAR 2015 - 2016

LICENSING COMMITTEE
19th January 2016

REPORT OF:
Service Director
Public Health & Protection

<u>Part I</u>	<u>Item No. 4</u>
Review of Licensing Act 2003 & Gambling Act 2005	

1. PURPOSE OF THE REPORT

The purpose of the report is to update Members on relevant issues, with regard to

- **the Licensing Act 2003**
- **the Gambling Act 2005**

2. RECOMMENDATION

Members are requested to: -

- (i) note the contents of the report in respect of the **Licensing Act 2003** which has been provided for information;
- (ii) note the contents of the report in respect of the **Gambling Act 2005**, which includes the newly adopted Gambling Policy 2016-2018 which has been provided for information.

3. BACKGROUND

Members will be aware that a quarterly meeting is convened to review and discuss the implementation and progress of the Licensing Act 2003, together with any ancillary matters arising from responsibilities with which this particular Committee is charged.

Such ancillary matters include the Gambling Act 2005. (There may also be ancillary matters arising from the impact of the Smoke-Free Premises Regulations, which have the potential to affect all licensed premises).

4. **LICENSING ACT 2003**

4.1 **Application Process**

Applications received since the last update (**5th October 2015 to 20th December 2015**) are as follows:-

<i>Application Type</i>	<i>Number received</i>
Personal Licence	34
Premises Licence	45
Transfer (Premises Licence)	16
Vary (Premises Licence)	6
Club Premises Certificate	6
Vary (Club Premises Certificate)	1
Temporary Event Notice (TEN)	104
Application to Review	1
Interim Authority Notice	0
Change of DPS	19
Minor Variation	6
Disapply provision of DPS (Community Premises)	0
Notification of Interest in Premises	1

Analysis of TEN's applications indicate 42 were for existing Premises Licences; 44 for Private Members Clubs and 18 for Community events. The increase in number can be attributed to the seasonal demand with events for Halloween, Bonfire Night, Christmas and New Year. It was noted that a number of the TENs received requested additional hours for the retail sale of alcohol for Christmas Day at various convenience stores in the Borough.

Summary of TEN's, reproduced as **Appendix 1A**.

In accordance with the advice received in respect of data protection matters, the summaries of Personal Licences and Premises Licences issued under delegated authority are now reproduced for information as a Part II restricted item.

4.2 **Contested Applications**

One contested application has been determined since the last summary report:-

Application Type	Name of Applicant	Name of Premises	Date of Hearing	Outcome
Grant	Mrs. Simran Samra 59 Bryn Road	Select Convenience &	7th December	Granted Subject to the

	Tondu Bridgend CF32 9EF	Bargain Booze 104 Penygraig Road Penygraig Tonypandy CF40 1HB	2015	imposition of conditions
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4.3 Reviews

Two Review applications have been decided since the last report:-

Name of Applicant requesting Review	Name of Premises	Premises Licence Holder	Date of Hearing	Outcome
Environmental Health	Fagins Ale and Chop House 8 Cardiff Road Taffs Well CF15 7QD	Simon Lewis Madley Fagins Ale and Chop House 8 Cardiff Road Taffs Well Cardiff CF15 7QD	9th October 2015	Removal of all Regulated entertainment. Disapply exemption for Live/recorded music
Licensing Authority in role as Responsible Authority	Cafe India 75 Hannah Street Porth CF39 9PY	Mr. Mohiuddin Jognu	Tbc.	Pending

4.4 Appeals

Three appeals have been determined since the last report:-

Premises	Appellant	Reason for Appeal	Outcome
Ponty Convenience Store 34 Taff Street Pontypridd CF37 1TR	Amanda Griffiths 88 The Broadway Treforest Pontypridd	Contesting the refusal decision made by the Licensing Committee	Appeal withdrawn
Lifestyle Express 6 Station Street Porth CF39 9NR	Mr Hamish Patel 9-10 Station Street Porth CF39 9NR	Contesting the refusal decision made by the Licensing Committee	Conditions of licence amended by means of a Consent order

Fagins Ale and Chop House 8 Cardiff Road Taffs Well CF15 7QD	Simon Lewis Madley Fagins Ale and Chop House 8 Cardiff Road Taffs Well Cardiff CF15 7QD	Contesting the review decision made by the Licensing Committee	Adjourned to 8th February, 2016.
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4.5 Compliance & Enforcement

(i) Prosecutions

There have not been any completed prosecutions under the Licensing Act 2003 in the period.

(ii) Test Purchasing

Trading Standards Officers conducted 13 test purchases in the period, with one sale reported. The relevant Premises Licensee is currently the subject of investigation in respect of the sale of alcohol.(Enquiries are continuing and an update will be provided in future reports.)

Licensing Officers have conducted test purchases at 4 Takeaway establishments following concerns that they were trading illegally i.e selling hot food after 11pm without a Premises Licence. Following successful test Test purchases, four letters of warning/advice were sent to the respective food business Operators. Contact was also made with Planning Officers as two of the Premises were in breach of Planning permission.

(iii) Partnership Working

Licensing, Trading Standards, Environmental Health & Police Officers have also collaborated on the following issues:-

- Mediation meeting re Prospective new off licence in Treforest.
- Joint Licensing / Police Advice / Guidance/ Enforcement visit to a town centre on licensed premises in Aberdare following a number of incidents of violent disorder.
- Joint Licensing / Trading Standards visit to a Rhondda Fach Rugby club following an alleged incident of disorder following a Youth Fund raising event. Officers subsequently ascertained that CCTV at the Premise was non compliant and a legal Notice was issued, along with a letter of warning / advice.
- Licensing and Police Officers conducted 'Early intervention' visits in the lead up to 'Black Friday' 18th December 2015 with Officers visiting a number of key premises throughout the Borough.

Home Office Immigration Officers provided training in the period to Licensing and Police Licensing Officers in respect of fraudulent identification.

- Police & Crime Commissioners' Office - Violent Crime Reduction Initiative

As highlighted in previous reports, funding was obtained to facilitate Taxi Marshaling in Aberdare town centre for key dates in the lead up to Christmas and over the New Year. Two taxi marshals were deployed to assist with the safe onward travel of Town centre visitors over the period. Initial feedback has been positive, however as the scheme has been in its infancy, further comment will be made in future reports.

Taxi Marshals will again be present in Aberdare for the forthcoming Six Nations Rugby International weekends

(iii) Premises Inspection & Infringements

77 premises were inspected in the last period, (primarily category A&B)

A summary of infringements arising from inspection is reproduced as **Appendix 1B**.

Licensing Officers assisted Trading Standards and Police Officers during a visit to an on licensed premises in Tonypany area, where information had been received concerning the sale of counterfeit goods. Following inspection no counterfeit items were found.

A total of 5 Section 19 Notices under the Criminal Justice and Police Act 2001 have been issued in the period following the identification of Non compliant CCTV

An infringement report has been submitted under the Licensing Act 2003 in respect of licence breaches connected with music audibility for a premises in the Taffs Well area.

(v) Advice and Guidance

Officers have provided advice and guidance to a number of licensed premises throughout the period. This has included advice on alcohol sales via the Internet, the re-opening of a 'mothballed' premises licence in Aberdare, a joint visit with the Emergency Planning Officer in respect of 'Rhondda Rocks' for 2016 and advice on starting a new

Pubwatch in Taffs Well. Pre-emptive advice has been provided to a Rugby club concerning noise nuisance complaints from a local resident.

It was pleasing to note that a new Premise licence holder took the time to compliment the Service for the advice and guidance provided during licence application process.

4.6 Recovery of Annual Fees

Total Income Received; As at 30/11/15	Outstanding Invoices; As at 30/11/15
£124,030	£25,649.55

Members will be aware that Officers have authority to suspend licences where Annual fees remain unpaid, (subject to certain criteria.)

A review of activity up to 30th November 2015, shows that two Premises Licences are currently subject to suspension.

5. GAMBLING ACT 2005

5.1 Trade profile – Premises Licences

Permission Type	Number at Transition (1/9/07)	Number at 5/01/16
Bingo Premises Licences	4	3
Betting Premises	46	39
Adult Gaming Centre	10	7
Licensed Family Entertainment Centre	1	2
Lotteries/ Registered Societies	N/A	213

5.2 Trade profile – Gaming Permits

Complimentary to Premises Licences are a wide range of Gambling Permits that allow lower level gaming in primarily alcohol licensed premises. A summary of existing permissions is as follows:-

Premises Type	Number of Permits			
	Licensed Gaming	Premises Machine	Licensed Gaming	Premises Machine

	Notification (2 Machines)	Permit (>2 Machines)
Public Houses (Premises Licence with Retail Alcohol 'On Sales')	207	6

Premises Type	Number of Permits	
	Club machine Permit (3 Machines)	Club Gaming Permit
Qualifying Member Clubs (Club Premises Certificate)	67	9

5.3 Enforcement

There are no enforcement issues to report for this period.

5.4 Gambling Licensing Policy Review 2016-2018

Members will recall that the Gambling Policy Statement was scheduled for review and that the revised policy would be adopted for implementation in January 2016.

Having had regard to the advice of the Gambling Commission and current best practice, it was considered that the 2012-2015 Policy Statement was fit for purpose, with the exception of minor amendments to reference legislative changes and revised Statutory Guidance which had recently been published.

Members will be aware that the Gambling Policy Review 2016-2018 was approved by Cabinet on the 24th November 2015 and adopted by Full Council on the 25th November 2015.

A copy of the new Gambling Policy is reproduced for information as **Appendix 1C**

5.5 Recovery of Annual Fees

As a result of the static nature of the trade, there is little change to the position, where 100% recovery of annual fees is the standard, primarily due to the robust provisions contained within the legislation which allow for withdrawal of the licence/permit for non-payment of appropriate fees.

Paul J Mee

Service Director Public Health & Protection

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

Temporary Event Applications
Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
407382 Standard TENS	Juboraj Restaurant A470 Trunk Road Abercynon Mountain Ash CF45 4YX	Miss Fiona Jane Curtis	24 October 2015 To 24 October 2015	TEN Application: A Ticketed Performance with food & drink
407390 Standard TENS	Aberaman Band Club 226 Cardiff Road Aberaman Aberdare CF44 6RE	Mr Ronald Hancock	14 November 2015 To 14 November 2015	TEN Application: Entertainment - Show
407404 Late TENS	Bryncae Farm Llanharry Road Llanharan Pontyclun CF72 9RN	Mr Peter Geoffrey Ashton	17 October 2015 To 17 October 2015	TEN Application: Supper Club Evening with pay bar
407433 Standard TENS	Talbot Green Community Centre Cowbridge Road Talbot Green Pontyclun CF72 8HS	Mrs Arlene Moss	31 October 2015 To 31 October 2015	TEN Application: Hallowe'en Disco - 31st October 2015

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407469 Standard TENS	Maes Yr Haf Community Centre Brithweunydd Road Trealaw Tonypandy CF40 2UD	Mr Robert Jones	7 November 2015 To 7 November 2015	artiste - 7th November 2015
407470 Standard TENS	Abercynon Community Centre Station Road Abercynon Mountain Ash CF45 4TA	Mrs Meryll Murphy	28 October 2015 To 28 October 2015	Afternoon tea dance, including refreshments, bingo, raffle, dancing
407474 Standard TENS	YMCA Taff Street Pontypridd CF37 4TT		27 November 2015 To 27 November 2015	Evening celebration with entertainment
407499 Standard TENS	Demon's Dream Ice Cream Parlour Ltd 1-2 Cemetery Road Porth CF39 0LH		30 October 2015 To 1 November 2015	Halloween charity event on Friday & Saturday

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407519 Late TENS	The Otley Arms 18-19 Forest Road Treforest Pontypridd CF37 1SY	Mr Matthew Otley	27 th October 2015 To 1 st November 2015	Octoberfest 27th October 2015
407541 Standard TENS	Miskin Mill Scout Village Hensol Road Miskin Pontyclun CF72 8JT	Mr David John Williams	7 November 2015 To 7 November 2015	Bonfire Night Fireworks Display
407545 Standard TENS	YG Llanharri Addison Avenue Llanharri Pontyclun CF72 9XE	Mr Alan Hughes	25 November 2015 To 27 November 2015	Musical show 25th 26th 27th Nov 2015 - 20:00hrs -20:30hrs Alcohol dur
407553 Standard TENS	Pontyclun RFC Llantrisant Road Pontyclun CF72 9DQ	Mr Mark Carter	6 November 2015 To 6 November 2015	Bonfire and Firework Display

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407598 Standard TENS	Hot Gossip 115 Bute Street Treorchy CF42 6AU	Miss Sara Lauren Bailey	7 December 2015 To 7 December 2015	Carol singing evening - 7th December 2015
407614 Late TENS	Llanharan Constitutional Club Chapel Road Llanharan Pontyclun CF72 9QA	Mr Peter Hughes	7 November 2015 To 7 November 2015	TEN Application: Show Band
407658 Standard TENS	Filco Foods 12 Ely Valley Road Talbot Green Pontyclun CF72 8AP	Mr Simon Hunt	15 November 2015 To 20 November 2015	Temporary use during refurbishment of main prem
407659 Standard TENS	Llantwit Fardre RFC The Parade Church Village Pontypridd CF38 1BU	Mr Alan Porter	3 December 2015 To 3 December 2015	TEN Application: Christmas Fayre - 3rd December 2015

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
407681 Late TENS	Beddau RFC Castellau Road Beddau Pontypridd CF38 2AA	Mr Grant Alun Blake	14 November 2015 To 14 November 2015	TEN Application: Tribute Elvis - Under 14s parents
407682 Standard TENS	Beddau RFC Castellau Road Beddau Pontypridd CF38 2AA	Mr Gareth Philip Jenkins	27 November 2015 To 27 November 2015	TEN Application: Gary Barlow Tribute U9s Parents
407683 Standard TENS	Beddau RFC Castellau Road Beddau Pontypridd CF38 2AA	Mr Gareth Philip Jenkins	12 December 2015 To 12 December 2015	TEN Application: Bubbles & Buble - Tribute - Dance Crazy Event
407684 Standard TENS	Beddau RFC Castellau Road Beddau Pontypridd CF38 2AA	Mr Gareth Philip Jenkins	6 February 2016 To 6 February 2016	TEN Application: Irish Rovers Club members event

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407689 Standard TENS	Treorchy RFC Regent Street Treorchy CF42 6PN	Miss Nerys Phillips	21 November 2015 To 21 November 2015	TEN Application: 16+ fundraising DJ night for youth teams
407721 Standard TENS	Aberdare Constitutional Club High Street Aberdare CF44 7AW	Mrs Jacqueline Davies	27 December 2015 To 28 December 2015	TEN Application: Llwydcoed AFC Charity function
407729 Standard TENS	Grey Trees Brewery Unit 5-6 Gasworks Road Industrial Estate Aberaman Aberdare CF44 6RS	Mr Raymond Davies	1 December 2015 To 4 December 2015	TEN Application: selling promotional products
407730 Late TENS	St Dyfrigs RC Church Hall Broadway Treforest Pontypridd CF37 1DB	Mr John Francis Egan	20 November 2015 To 20 November 2015	TEN Application: Concert for Tenovus & McMillan - 20th November 2015

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
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407731 Standard TENS	36 Maes-Y-Wennol Miskin Pontyclun CF72 8SB	Mr Craig Griffiths	21 November 2015 To 21 November 2015	TEN Applicaton: Tonypandy Christmas Event - 21st November 2015
407768 Standard TENS	Grey Trees Brewery Unit 5-6 Gasworks Road Industrial Estate Aberaman Aberdare CF44 6RS		7 December 2015 To 11 December 2015	TEN Application: Selling promotional products
407769 Standard TENS	Grey Trees Brewery Unit 5-6 Gasworks Road Industrial Estate Aberaman Aberdare CF44 6RS		14 December 2015 To 18 December 2015	TEN Application: Selling promotional products

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PUBLIC HEALTH & PROTECTION – LICENSING**

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407772 Standard TENS	Grey Trees Brewery Unit 5-6 Gasworks Road Industrial Estate Aberaman Aberdare CF44 6RS		21 December 2015 To 23 December 2015	TEN Application: Selling promotional products
407780 Standard TENS	Porth Carnival Hannah Street Porth	Mrs Gwenllian Miles	28 November 2015 To 28 November 2015	TEN Application: Annual Winter Event - 28th November 2015
407781 Standard TENS	Maes Yr Haf Community Centre Brithweunydd Road Trealaw Tonypandy CF40 2UD	Mr Robert Jones	5 December 2015 To 5 December 2015	TEN Application: Artiste - Fundraising for local charities - 5/12/15
407817 Standard TENS	Llantrisant & Pontyclun Golf Club 69 Lanelay Road Talbot Green Pontyclun CF72 8HZ	Mr Christopher Merchant	29 November 2015 To 29 November 2015	TEN Application: Charity Event

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407818 Standard TENS	Penygraig RFC Tylacelyn Road Penygraig Tonypandy CF40 1JR	Mrs Kathleen Riddick	5 December 2015 To 6 December 2015	TEN Application: Christmas Party
407820 Standard TENS	The Banc 54-56 Llewellyn Street Pentre CF41 7BW	Mr Garry Anthony Fisher	24 December 2015 To 25 December 2015	TEN Application: Music & Dancing - 24/25 December 2015
407821 Standard TENS	The Banc 54-56 Llewellyn Street Pentre CF41 7BW	Mr Garry Anthony Fisher	27 December 2015 To 28 December 2015	TEN Application: Music & Dancing - 27 to 28 December 2015
407822 Standard TENS	The Banc 54-56 Llewellyn Street Pentre CF41 7BW	Mr Garry Anthony Fisher	31 December 2015 To 1 January 2016	TEN Application: Music & Dancing - 31 Dec 2015 to 1 Jan 2016

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
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407830 Standard TENS	The Lion Treorchy Bute Street Treorchy CF42 6AH	Mr Adrian Ian Emmett	4 December 2015 To 6 December 2015	TEN Application: Christmas Party
407831 Standard TENS	The Lion Treorchy Bute Street Treorchy CF42 6AH	Mr Adrian Ian Emmett	11 December 2015 To 13 December 2015	TEN Application: Christmas Party - 11 to 13 December 2015
407832 Standard TENS	The Lion Treorchy Bute Street Treorchy CF42 6AH	Mr Adrian Ian Emmett	18 December 2015 To 20 December 2015	TEN Application: Christmas Party - 18 to 20 December 2015
407833 Standard TENS	The Lion Treorchy Bute Street Treorchy CF42 6AH	Mr Adrian Ian Emmett	24 December 2015 To 27 December 2015	TEN Application: Christmas Party - 24 to 27 December 2015

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407834 Standard TENS	The Lion Treorchy Bute Street Treorchy CF42 6AH	Mr Adrian Ian Emmett	31 December 2015 To 2 January 2016	TEN Application: Christmas Party - 31 Dec 2015 to 2 Jan 2016
407835 Standard TENS	Ton Pentre AFC Social Club Llanfoist Street Ton Pentre Pentre CF41 7AF	Mr John Anthony Thomas	4 December 2015 To 4 December 2015	Fundraising for Charity
407838 Late TENS	Taffs Well Village Hall Cardiff Road Taffs Well Cardiff	Mrs Sarah Gray	25 November 2015 To 25 November 2015	Late TEN Christmas Shopping Night
407849 Standard TENS	Gelliwastad Club & Institute Gelliwastad Road Pontypridd CF37 2BP	Mr Iwan Davies	5 December 2015 To 6 December 2015	TEN Application: Fund raising event - 5th December 2015

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
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407855 Standard TENS	St Dyfrigs RC Church Hall Broadway Treforest Pontypridd CF37 1DB	Mr David Colin Rossiter	18 December 2015 To 18 December 2015	TEN Application: Cabaret Night - 18th December 2015
407861 Standard TENS	Llantwit Fardre Sports Club Central Park Church Village Pontypridd CF38 1RJ	Mr Raymond Butler	27 December 2015 To 27 December 2015	TEN Application: 60th Birthday Party with bar - 27/12/15
407873 Standard TENS	AST Stores 1 Dewi Street Pontypridd CF37 4RB	Mr Selladuari Selvamenan	25 December 2015 To 25 December 2015	TEN Application: Sale of Alcohol 25.12.15
407876 Standard TENS	Ton Pentre AFC Social Club Llanfoist Street Ton Pentre Pentre CF41 7AF	Mr John Anthony Thomas	5 December 2015 To 5 December 2015	Fund Raising Event - 5th December 2015

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
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407890 Standard TENS	The Feel Good Factory Abercynon Road Abercynon Mountain Ash CF45 4XZ	Mr Lee Phillip Thomas	9 December 2015 To 9 December 2015	OAP Christmas Meal & Dance
407893 Standard TENS	Pontypridd Ex-Servicemens Club Woodland Terrace Maesycoed Pontypridd CF37 1DZ	Mr Michael Hopkins	18 December 2015 To 18 December 2015	
407894 Standard TENS	Pontypridd Ex-Servicemens Club Woodland Terrace Maesycoed Pontypridd CF37 1DZ	Mr Michael Hopkins	1 January 2016 To 1 January 2016	
407895 Standard TENS	Barini's Lounge Bar & Grill Unit 2 Broadway Retail Centre Treforest Pontypridd CF37 1BH	Mrs Geraldine Ann Oakey	17 December 2015 To 20 December 2015	Extension of trading hours

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407896 Standard TENS	Spice Essence 64-66 Pontypridd Road Porth CF39 9PL	Mrs Sherrin Payne	5 December 2015 To 6 December 2015	Music, Dance, Jukebox, Karaoke, Food - 5 & 6 Dec. 2015
407897 Standard TENS	Spice Essence 64-66 Pontypridd Road Porth CF39 9PL	Mrs Sherrin Payne	10 December 2015 To 13 December 2015	Music, Dance, Jukebox, Karaoke, Food - 10 to 13 December 2015
407898 Late TENS	Barini's Lounge Bar & Grill Unit 2 Broadway Retail Centre Treforest Pontypridd CF37 1BH	Mrs Geraldine Ann Oakey	4 December 2015 To 6 December 2015	Extension of trading hours
407899 Standard TENS	Spice Essence 64-66 Pontypridd Road Porth CF39 9PL	Mrs Sherrin Payne	17 December 2015 To 20 December 2015	Music, Dance, Jukebox, Karaoke, Food - 17 to 20 December 2015

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

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407900 Standard TENS	Spice Essence 64-66 Pontypridd Road Porth CF39 9PL	Mrs Sherrin Payne	24 December 2015 To 27 December 2015	Music, Dance, Jukebox, Karaoke, Food - 24 to 27 December 2015
407901 Standard TENS	Spice Essence 64-66 Pontypridd Road Porth CF39 9PL	Mrs Sherrin Payne	31 December 2015 To 3 January 2016	Music, Dance, Jukebox, Karaoke, Food - 31 Dec 2015 to 3 Jan 2016
407902 Standard TENS	Barini's Lounge Bar & Grill Unit 2 Broadway Retail Centre Treforest Pontypridd CF37 1BH	Mrs Geraldine Ann Oakey	10 December 2015 To 13 December 2015	Extension of trading hours
407923 Standard TENS	Ton Pentre AFC Social Club Llanfoist Street Ton Pentre Pentre CF41 7AF	Mr John Anthony Thomas	11 December 2015 To 11 December 2015	Fund Raising Event - 11th December 2015

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REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
407924 Standard TENS	Pontyclun RFC Llantrisant Road Pontyclun CF72 9DQ	Mr Mark Carter	11 December 2015 To 11 December 2015	Wedding Party, pay bar and live band
407925 Standard TENS	Lidl UK GmbH Gadlys Road Gadlys Aberdare CF44 8AD	Mr Alun Phillips	21 December 2015 To 24 December 2015	Extension to trading hours for Christmas - 21 to 24 December 2015
407926 Standard TENS	Lidl UK GmbH East Road Tylorstown Ferndale CF43 3HJ	Mr James Williams	21 December 2015 To 24 December 2015	Extension to trading hours for Christmas - 21-24 December 2015
407938 Late TENS	Ynyshir and Wattstown Boys Club Moriah Chapel Ynyshir Road Ynyshir Porth CF39 0EN	Mr Ian Howells	4 December 2015 To 4 December 2015	Christmas Mini Football Party & Children's Magician

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407939 Standard TENS	Pontyclun RFC Llantrisant Road Pontyclun CF72 9DQ	Mr Mark Carter	11 December 2015 To 12 December 2015	Friday: Wedding & Disco 11th December 2015
407943 Standard TENS	Ton Pentre AFC Social Club Llanfoist Street Ton Pentre Pentre CF41 7AF	Mr John Anthony Thomas	12 December 2015 To 12 December 2015	12th December 2015
407954 Standard TENS	The Factory Welsh Hills Works Jenkin Street Porth CF39 9PP	Ms Elise Marie Stewart	11 December 2015 To 13 December 2015	Function/music - 11 to 13 December 2015
407958 Standard TENS	Prince of Wales 21 Victoria Square Aberdare CF44 7LB	Mrs Allyson Heggie	31 December 2015 To 1 January 2016	New year's celebrations - 31st December 2015

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407960 Standard TENS	The Duffryn 15 Oxford Street Mountain Ash CF45 3PG	Mrs Stephanie Hubbard	31 December 2015 To 1 January 2016	New Year's Celebrations - 31st December 2015
407966 Late TENS	Aberdare Constitutional Club High Street Aberdare CF44 7AW	Mrs Jacqueline Davies	5 December 2015 To 5 December 2015	Pool Competition
407967 Standard TENS	Aberdare Constitutional Club High Street Aberdare CF44 7AW	Mrs Jacqueline Davies	13 December 2015 To 13 December 2015	Pool Competition
407968 Standard TENS	Judges & Jurys 7 Market Street Aberdare CF44 7DY	Mr Gino Fulgoni	28 December 2015 To 28 December 2015	Discoteque - 28th December 2015

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407972 Standard TENS	Quick Stop 28-30 Brook Street Williamstown Tonypandy CF40 1RD	Mrs Sheila Purewal	25 December 2015 To 25 December 2015	Convenience Store - 25th December 2015
407980 Standard TENS	Rhydyfelin Non Political Club Poplar Road Rhydyfelin Pontypridd CF37 5LS	Mr Brian James	31 December 2015 To 1 January 2016	Boxing Day
407983 Standard TENS	Ton Pentre AFC Social Club Llanfoist Street Ton Pentre Pentre CF41 7AF	Mr Anthony Cove	18 December 2015 To 18 December 2015	Event to raise money for charity - 18th December 2015
408007 Standard TENS	Penygraig Labour Club 11 Penygraig Road Penygraig Tonypandy CF40 1HA	Mr Graham Martyn Ross	26 December 2015 To 26 December 2015	Live entertainment in upstairs hall - 26th December 2015

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Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408008 Standard TENS	Penygraig Labour Club 11 Penygraig Road Penygraig Tonypandy CF40 1HA	Mr Graham Martyn Ross	31 December 2015 To 1 January 2016	Live entertainment in upstairs hall - 31st December 2015
408009 Late TENS	Abercynon Community Centre Station Road Abercynon Mountain Ash CF45 4TA	Mrs Meryll Murphy	9 December 2015 To 9 December 2015	Tea Dance, Bingo & Raffle - 9th December 2015
408010 Standard TENS	Tonyrefail RFC 60-62 High Street Tonyrefail Porth CF39 8PH	Mr Shaun Harding	26 December 2015 To 26 December 2015	Pop group
408012 Standard TENS	Tylorstown Food Store 253-254 East Road Tylorstown Ferndale CF43 3HG	Mr Gurnam Singh	25 December 2015 To 25 December 2015	Christmas Day

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING

Temporary Event Applications
 Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408024 Standard TENS	ANH Stores 130 Bute Street Treorchy CF42 6BB	Mrs Sanehjeet Chauhan	25 December 2015 To 25 December 2015	Change opening/trading hours- Christmas Day
408029 Standard TENS	Rasputins 20 Canon Street Aberdare CF44 7AP	Mr Richard Collier	20 December 2015 To 21 December 2015	Disco 20 to 21 December 2015
408030 Standard TENS	Rasputins 20 Canon Street Aberdare CF44 7AP	Mr Richard Collier	23 December 2015 To 24 December 2015	Disco on 23 to 24 December 2015
408031 Standard TENS	Thomastown Social Club & Institute Francis Street Thomastown Porth, CF39 8DS	Mrs Lynette Ann Griffiths	18 December 2015 To 18 December 2015	Band in lounge bar

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

Temporary Event Applications
Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408032 Standard TENS	Thomastown Social Club & Institute Francis Street Thomastown Porth, CF39 8DS	Mrs Lynette Ann Griffiths	27 December 2015 To 27 December 2015	Karaoke in Lounge Bar
408033 Standard TENS	Penygraig Boys & Girls Club Brook Street Williamstown Tonypandy CF40 1RB	Mr James Michael	31 December 2015 To 1 January 2016	Family night New Year's Eve party 31st December 2015
408036 Standard TENS	Ton Pentre AFC Social Club Llanfoist Street Ton Pentre Pentre CF41 7AF	Mr Anthony Cove	19 December 2015 To 19 December 2015	Charity Event 19th December 2015
408048 Late TENS	Wattstown Social Welfare Club Bailey Street Wattstown Porth CF39 0RA	Mr Frederick Brewis	19 December 2015 To 20 December 2015	Private Karate Club Function - 19th December 2015

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING

Temporary Event Applications
 Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408052 Standard TENS	Llanharan Constitutional Club Chapel Road Llanharan Pontyclun CF72 9QA	Mr Peter Hughes	31 December 2015 To 1 January 2016	Live artists
408059 Standard TENS	White Dragon 144 Bute Street Treorchy CF42 6BN	Mr Gareth Williams	26 December 2015 To 27 December 2015	Boxing Night
408060 Standard TENS	White Dragon 144 Bute Street Treorchy CF42 6BN	Mr Gareth Williams	31 December 2015 To 2 January 2016	New Year
408061 Late TENS	Cymmer Workmens Club and Institute Office Street Cymmer Porth CF39 9AH	Mr Gary David Gooding	18 December 2015 To 18 December 2015	Bronwydd Christmas Party

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

Temporary Event Applications
Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408062 Standard TENS	Cymmer Workmens Club and Institute Office Street Cymmer Porth CF39 9AH	Mr Gary David Gooding	26 December 2015 To 26 December 2015	DJ
408063 Standard TENS	Treorchy RFC Regent Street Treorchy CF42 6PN	Miss Nerys Phillips	26 December 2015 To 26 December 2015	Rock Band
408064 Standard TENS	Treorchy RFC Regent Street Treorchy CF42 6PN	Miss Nerys Phillips	1 January 2016 To 1 January 2016	Rock Band
408071 Standard TENS	The Banc 54-56 Llewellyn Street Pentre CF41 7BW	Mr Garry Anthony Fisher	26 December 2015 To 27 December 2015	Music & Dancing

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

Temporary Event Applications
Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408080 Standard TENS	Wattstown Social Welfare Club Bailey Street Wattstown Porth CF39 0RA	Mr Frederick Brewis	26 December 2015 To 27 December 2015	Social Event
408081 Standard TENS	Wattstown Social Welfare Club Bailey Street Wattstown Porth CF39 0RA	Mr Frederick Brewis	31 December 2015 To 1 January 2016	Social Event
408082 Standard TENS	Trealaw Local 103-104 Ynyscynon Road Trealaw Tonypandy CF40 2LH	Mr Dinesh Malwala	25 December 2015 To 25 December 2015	Christmas Day
408115 Standard TENS	Top Shop 31-32 Southall Street Brynna Pontyclun CF72 9QH	Mrs Surinder Kaur Purewal	25 December 2015 To 25 December 2015	Christmas Day

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

Temporary Event Applications
Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408118 Standard TENS	Maes Yr Haf Community Centre Brithweunydd Road Trealaw Tonypandy CF40 2UD	Mr Arthur Lewis	31 December 2015 To 31 December 2015	Local Artiste Fundraiser
408134 Standard TENS	Thomastown Social Club & Institute Francis Street Thomastown Porth, CF39 8DS	Mrs Lynette Ann Griffiths	31 December 2015 To 1 January 2016	
408144 Standard TENS	Gilfach Goch RFC 73 High Street Gilfach Goch Porth CF39 8SR	Mrs Donna Jenkins	31 December 2015 To 1 January 2016	Disco/Karaoke
408173 Late TENS	Ton Pentre AFC Social Club Llanfoist Street Ton Pentre Pentre CF41 7AF	Mr John Anthony Thomas	1 January 2016 To 1 January 2016	Charity Event

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
PUBLIC HEALTH & PROTECTION – LICENSING**

Temporary Event Applications
Received: from 5th October to 20th December 2015

REFERENCE APPL TYPE	PREMISES	APPLICANT	START DATE END DATE & TIMES	EVENT
408180 Standard TENS	Treorchy RFC Regent Street Treorchy CF42 6PN	Miss Nerys Phillips	15 January 2016 To 15 January 2016	16+ Youth teams fundraising DJ night

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Rhondda Cynon Taf County Borough Council
Licensing Committee (sitting in its role under the Licensing Act 2003) - 19th January 2016
Public Health & Protection

INR V8.2.x.1

REPORT PREPARED ON 23/12/15 AT 11:31

Closed Date from 5/10/2015 to 20/12/2015
Inspection Types : L - Licensing
Detail category : I - INSPECTION DETAIL TYPES
Detail code : L - Licensing Infringements
All Classes of Last Visit (Primary, Alternative, etc) included
Primary Analysis by Detail Code
Sorted by Analysis Category

Report format ACTIONS

Sorted : 23/12/15 Printed : 23/12/15

TOTAL
CATEGORIES

<u>L</u>	<u>Licensing Infringements</u>	
LAA	No Licence Summary on display	12
LAB	No Premise.Lic or cert copy ke	24
LAC	No written permission from PLH	5
LAE	No Staff training book	6
LAF	No Refusals book	1
LAG	No CCTV	4
LAH	No required posters challenge	1
LAP	No DPS/Current DPS differs fro	1
LAS	Other	12
TOT:	Licensing Infringements	<u>66</u>
*** GRAND TOTALS:		<u>66</u>

9 ANALYSIS RECORDS PRINTED
END OF REPORT

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Rhondda Cynon Taf CBC

Statement of Principles - Gambling Act 2005

31 January 2016 (for a period of 3 years)



Contents

Item	Page
Foreword	1
Part A – Background information	
1. The Licensing Objectives	2
2. Statement of Principles	2
3. The County Borough of Rhondda Cynon Taf	2
4. Consultation	4
5. Responsible Authorities	4
6. Interested parties	5
7. Exchange of Information	6
8. Compliance & Enforcement	6
9. Licensing Authority functions	8
Part B - Premises Licences	
10. General Principles	9
11. Adult Gaming Centres	16
12. (Licensed) Family Entertainment Centres	16
13. Casinos	16
14. Bingo Premises	17
15. Betting Premises	18
16. Tracks	18
17. Travelling Fairs	20
18. Provisional Statements	21
19. Reviews	21
Part C - Permits / Temporary and Occasional Use Notices	
20. Unlicensed Family Entertainment Centre Gaming Machine Permits	23
21. (Alcohol) Licensed Premises Gaming Machine Permits	24
22. Prize Gaming Permits	25
23. Club Gaming and Club Machines Permits	26
24. Temporary Use Notices	26
25. Occasional Use Notices	27
26. Small Society Lotteries	27
Appendix A; List of Consultees	28
Appendix B; Table of Delegation	29
Useful Contacts	30

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, Tonypany 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

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.

- 5.3 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.
- 5.4 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.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 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

10.10 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.gamblingcommission.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 Stoops; 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 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'
- 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
Tonypanydy 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

Department of Culture, Media and Sport

2-4 Cockspur Street
London
SW1Y 5DH

Tel: 020 7211 6200

E-mail: enquiries@culture.gov.uk

Website : www.culture.gov.uk

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