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Bridgend County Borough Council
Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr



Civic Offices, Angel Street, Bridgend, CF31 4WB / Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB

Legal and Regulatory Services /
Gwasanaethau Cyfreithiol a Rheoleiddiol
Direct line / Deialu uniongyrchol: 01656 643148
Ask for / Gofynnwch am: Mr Mark Anthony Galvin

Our ref / Ein cyf:
Your ref / Eich cyf:

Date / Dyddiad: Monday, 7 December 2015

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in Committee Room 2/3, Civic Offices, Angel Street, Bridgend on **Friday, 11 December 2015 at 10.00 am.**

AGENDA

1. Apologies for Absence
To receive apologies for absence (to include reasons, where appropriate) from Members/Officers.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 6
To receive for approval the minutes of a meeting of the Licensing Committee dated 29 September 2015
4. Gambling Act 2005 - Statement of Licensing Principles 2016 - 2019 7 - 52
5. Urgent Items
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Yours faithfully

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

Distribution:

Councillors:

GW Davies MBE

PA Davies

E Dodd

CJ James

P James

Councillors

RD Jenkins

PN John

B Jones

DRW Lewis

JE Lewis

Councillors

HE Morgan

DG Owen

E Venables

R Williams

MINUTES OF A MEETING OF THE LICENSING COMMITTEE HELD IN COMMITTEE ROOMS
2/3, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON TUESDAY, 29
SEPTEMBER 2015 AT 2.30 PM

Present

Councillor R Williams – Chairperson

GW Davies MBE
PN John
E Venables

E Dodd
DRW Lewis

CJ James
JE Lewis

P James
HE Morgan

Officers:

Will Lane

Andrea Lee

Yvonne Witchell

Sarah Daniel

Operational Manager – Shared Regulatory Services

Senior Lawyer

Licensing and Registration Officer

Democratic Services Officer - Committees

6. APOLOGIES FOR ABSENCE

Apologies for absence were received from the following Members for the reasons so stated:

Cllr P Davies – Leave

Cllr R Jenkins – Leave

Cllr B Jones – Work Commitment

Cllr DG Owen – Work Commitment

7. DECLARATIONS OF INTEREST

None

8. APPROVAL OF MINUTES

RESOLVED: That the minutes of the Licensing Committee, held on the 21 May 2015 be approved as a true and accurate record of the meeting, subject to Councillor P John's apologies being added to the list.

9. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCE FEES

The Operational Manager – Shared Regulatory Services submitted a report to Committee which recommended new licence fee for dual hackney carriage and private hire vehicle drivers which reflected a change to the duration of a licence being brought into effect by the Deregulation Act 2015.

The Operational Manager – Shared Regulatory Services explained that the present practice in Bridgend County Borough Council was to grant a license for a maximum period of one year. The amendments made by the Deregulation Act establish a standard duration for a driver licence of three years. He added that all new taxi drivers are required to produce an enhanced DBS certificate prior to the grant of their licence, and once licensed, the Council's policy is that drivers are required to produce an

enhanced DBS certificate on a triennial basis. He added that the methodology used to calculate the fees followed the process set out in the fees toolkit in that all general expenditure across the Licensing section had been applied to generate an hourly rate for each member of staff. He advised Members that the proposed new fee for a Grant of new Licence would be £102 for one year and £171 for three years and the fee for a Renewal of a Licence would be £63 for one year and £122 for three years.

Members were concerned that if drivers held a three year licence and they received a conviction during that time it could take the Committee up to three years to be made aware of it, by which time they could have received a number of further convictions. Members asked if the drivers had a statutory duty to declare any convictions to the Authority.

The Operational Manager – Shared Regulatory Services stated that if a driver were to receive a conviction the police would contact the Local Authority and the Licensing section would be made aware of such convictions. The Legal Officer added that the Authority could look into reviewing the policy for the Authority and possibly adding a clause so that when drivers are issued their licence, they must declare if they receive any convictions during the three year period to the Authority. Another report would need to be brought to Committee to approve that process.

RESOLVED: That the Committee:

1. approved the proposed licence fees outlined in the Report with the implementation date of 1 October 2015
2. approved the changes to the Statement of Policy regarding the Relevance of Convictions and Licensing of Ex-Offenders outlined in paragraphs 4.9.1 and 4.9.2 of the report

10. PRIVATE HIRE OPERATOR FEES

The Operational Manager – Shared Regulatory Services submitted a report to the Committee to recommend new licence fees for private hire operators which reflected a change to the duration of a licence being brought into effect by the Deregulation Act. He explained that the amendments made by the Deregulation Act established a standard duration for a private hire operator's licence of five years. A licence may be granted for a shorter period where there is a justifiable reason.

The Operational Manager – Shared Regulatory Services advised Members that the proposed new fee for a Private Operator's licence would be £115 for one year and £373 for five years and the fee for a Private Operator's Renewal of Licence would be £97 for one year and £348 for five years. He further advised that it would also be necessary to amend the standard condition of a licence which currently states: "The Licence shall be for a period of one year and is not transferable" to "This Licence shall have effect for a maximum of five years and is not transferable"

Members were concerned at the potential loss of income resulting in the new Operator fees and feared this in turn would result in a potential loss of jobs. The Operational Manager – Shared Regulatory Services stated that this would be reviewed and monitored once the new Licensing Structure was fully embedded.

RESOLVED: That the Committee:

1. That the Committee approved the proposed licence fees outlined in the Report with an implementation date of 1st October 2015
2. That the Committee authorised the Licensing Officer to carry out the necessary public notice consultation procedure on behalf of the Assistant Chief Executive Legal and Regulatory Services
3. If objections were received within 28 days of the publication of the notice of the proposed changes to the fees, the matter would come back before the next appropriate Committee meeting so that any such objections could be considered, modifications be considered, and a new date for the introduction of the variations could be set
4. That the relevant condition of licence relating to duration is amended as outlined in paragraph 4.8 of the report

11. GAMBLING ACT LICENSING POLICY

The Licensing and Registration Officer submitted a report to the Committee which sought approval to commence the statutory consultation process for the publication of a Statement of Licensing Policy in relation to gambling. She added that the consultation process was prescribed by legislation and involved direct communication with statutory consultees such as the Gambling Commission and the South Wales Police as well as bodies representing the interests of gambling businesses. It also included Town and Community Councils, community groups and consultation via the Council's website.

The Licensing and Registration Officer informed the Committee that as part of the preparation for the consultation, an informal review of current premises and complaints had been undertaken. The current profile was;

Premises/Permit Type	Number of Premises	Comments
Betting	18	18+
Bingo	2	18+
Adult Gaming Centre	6	18+
Family Entertainment Centre	4	Mixed access with 18+ segregated area
Registered Members Club	27	
Licensed Premises	8	Licensed premises with more than 2 machines
Licensed Premises	82	Automatic entitlement for two machines
Family Entertainment centre (permit)	10	Typically Seaside venues –all age access
Total Number of premises where gambling available	157	

The Licensing and Registration Officer stated that during the last three year period since the last policy was published the Authority had received 7 complaints relating to gambling premises:

- Five complaints related to allegations of machines sited in unlicensed premises

LICENSING COMMITTEE - TUESDAY, 29 SEPTEMBER 2015

- One complaint related to an alleged faulty Category D machine which was not substantiated
- One complaint related to children allegedly playing Category B machines in a registered members' club which could not be substantiated

Members asked if the establishment relating to the complaint where children were gambling would have been penalised.

The Licensing and Registration Officer stated that Enforcement and Compliance Officers would follow up any complaint accordingly and would visit the establishment to look at how and where the machines were displayed and offer advice to the establishment, as necessary that would prevent any such need for a complaint arising again in the future.

RESOLVED: That the Committee:

1. Noted the report
2. Gave approval to consult
3. Noted that a further report would go to Council after the consultation exercise

12. URGENT ITEMS

None

The meeting closed at 3.05 pm

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

11 DECEMBER 2015

REPORT OF ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

GAMBLING ACT 2005

STATEMENT OF LICENSING PRINCIPLES 2016-2019

1. Purpose of Report.

- 1.1 To advise the Licensing Committee of the report to Council seeking to approve the Council's Statement of Licensing Principles for gambling premises to cover the period 2016-2019.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The proposal is required to effectively discharge the functions of the authority to comply with the Gambling Act 2005.

3. Background.

- 3.1 The Gambling Commission is the unified regulator for gambling in Great Britain and it is responsible for granting operating and personal licences for commercial gambling operators. However, the responsibility for licensing individual premises, as well as functions in relation to issuing permits and registrations rests with local authorities. The Gambling Commission issues statutory Guidance on the manner in which local authorities are to exercise their functions under the Gambling Act 2005.
- 3.2 The Council, as a licensing authority must publish, on a three year basis, a Statement of Licensing Principles governing the regulation and decision making process relating to gambling premises. The current Statement of Licensing Principles is due to expire in January 2016. Before publishing a new Statement the authority must undertake a statutory consultation exercise.
- 3.3 This report outlines the response to the consultation and makes recommendations for revisions to the Statement of Licensing Policy, the approval of which is a Council function.
- 3.4 The consultation process is prescribed by legislation but is extended to include BCBC Members, Town and Community Councils, community groups and consultation via the Council's website. A list of consultees is shown within the draft Statement of Licensing Principles attached as Appendix A to this report. The proposed amendments to the current policy are shown shaded within the document.
- 3.5 For information, the Gambling Act 2005 gives the Council as a licensing authority, a number of regulatory functions in relation to gambling. These include to:
- licence premises for gambling activities

- consider notices given for the temporary use of premises for gambling
- grant permits for gaming and gaming machines in clubs and miners' welfare institutes
- regulate gaming and gaming machines in alcohol-licensed premises
- grant permits to family entertainment centres (FECs) for the use of certain lower stake gaming machines
- grant permits for prize gaming
- consider occasional use notices for betting at tracks
- register small societies' lotteries.

3.5.1 The Act sets out three licensing objectives which are central to regulating gambling. These are:

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

3.6 The authority cannot take into account other considerations such as moral or ethical objections to gambling. In addition, the authority is not responsible for regulating remote gambling and cannot therefore adopt policy guidelines in respect of online gambling via the internet, telephone or television.

3.7 In relation to premises licensing, the Council can only consider matters within the scope of the Guidance, the Gambling Act 2005 and Codes of Practice.

The Council's primary obligation under Section 153 (1) of the Gambling Act 2005 is to permit the use of premises for gambling insofar as it thinks that to do so is:

- a) In accordance with relevant codes of practice issued by the Gambling Commission;
- b) In accordance with guidance issued by the Commission;
- c) Reasonably consistent with the licensing objectives; and
- d) In accordance with the Licensing Authority Statement of Policy subject to a) to c) above:

The Guidance also emphasises that in seeking to encourage consistency across licensing areas, the Commission does not seek to fetter the discretion that authorities have under the Act to make decisions which reflect local circumstances, for example with the location of premises.

4. Current situation / proposal.

4.1 The Statement of Licensing principles has been re-drafted to reflect changes to the Fifth Edition of the Guidance published by the Gambling Commission as well as an update to the Council's proposed corporate priorities. In addition, there are minor updates to the policies relating to motorway service area premises etc at Section 3.1 and to provisional applications which are set out in Section 3.9.1.

4.2 In addition, an officer review of current premises and complaints was undertaken to establish if there were any local or area-based concerns which would merit a change of policy. Seven complaints were received in the three year period preceding the review, the majority of which related to the siting of machines in non-authorised premises, but no trends or area specific concerns have been identified. As a result, no major policy changes are proposed at this time, but the authority may review its gambling policy at any time should local circumstances change.

4.3 Social Responsibility

The Gambling Commission has reviewed the social responsibility provisions in the regulatory regime. The Commission publishes the general licence conditions and codes of practice which apply to licensed gambling operators in the document entitled *Licence conditions and codes of practice* (LCCP). In August 2014, the Commission launched a review on improving the social responsibility provisions in the LCCP. The review considered better ways of preventing and reducing gambling-related harm, and increasing player protection measures.

The majority of the new conditions came into effect in May 2015, but further provisions come into effect in April 2016. These relate to licensees being required to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks. The proposed amendments are set out in Section 3, Appendix A and identify the issues which the Council would expect operators to address within risk assessments.

4.4 In addition, the responses from the consultation are as follows:

4.4.1 The Campaign for Fairer Gambling (CFG) has submitted the following request for consideration.

“As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils. “

A Fixed Odds Betting Terminal (FOBT) is a machine sited in betting shops, which offers a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games. The Gambling Act 2005 classified FOBTs as Category B2 gaming machines. Up to four machines can be sited on betting shop premises. The maximum stake on a single bet is £100 and the maximum prize is £500.

The CFG has proposed that the maximum stake is reduced to £2 along with other measures to mitigate problem gambling. A summary of the concerns forwarded to the Council is attached at Appendix B to this report and a full copy will be available at the meeting. (you must attach the information to the report as an appendices).

Locally, since the Act came into force in 2005, there have been two additional betting shop licences granted, one in the Brackla Street Centre in Bridgend and on Bridgend Industrial Estate bringing the total to seventeen in the County Borough. However, there have been no complaints received or concerns raised regarding the usage of these machines which would inform a local policy.

The issue of devolving additional powers or changing the stakes and prizes or the number of machines in premises is one which requires primary and secondary legislation and is therefore outside the scope of this policy. It is proposed that the subject is kept under review should there be further legislative developments or guidance issued by the Gambling Commission.

- 4.4.2 Gosschalks Solicitors submitted a response on behalf of the Association of British Bookmakers (ABB) a summary of which is attached at Appendix C. The full copy will be available at the meeting (this must be an appendice. The ABB represent some of the large national and high street betting operators represented in the County Borough.

This response raises a number of points relating to the draft statement which are dealt with in turn as follows: The relevant paragraphs are highlighted within the draft document at Appendix A.

In respect of paragraphs 2.4 and 2.4.2, the consultee advises that the policy should reflect that the location of premises and the potential risk associated with locations such as schools are matters for the operator to address within the local area risk assessment. This representation is accepted and prescriptive references to particular types of premises have been removed from paragraph 2.4.2.

The consultee advises that in respect of paragraph 2.9.1, the policy should emphasise that the authority will only impose conditions on a licence where there is clear evidence of a need to do so. This is a relevant consideration and the emphasis of the paragraph has been amended accordingly.

Paragraph 3.1 of the draft policy contains a number of suggested issues that an operator might take into consideration when compiling a risk assessment relating to gambling premises. This included considering the proximity of places of worship and benefit payment days. The consultee has made representations that neither of these issues are relevant to the licensing objectives. These representations are accepted and the relevant points have been omitted from Paragraph 3.1.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 None

6. Equality Impact Assessment

- 6.1 There are no negative equality implications.

7. Financial Implications.

7.1 There are no financial implications to the report.

8. Recommendation.

8.1 Committee is requested to note the proposed amendments to the Statement of Licensing Principles going to Council for approval.

P A Jolley
Assistant Chief Executive Legal and Regulatory Services

7 December 2015

Contact Officer: Yvonne Witchell
Team Manager – Licensing

Telephone: (01656) 643105
E-mail: Yvonne.Witchell@bridgend.gov.uk

Postal Address Civic Offices, Angel Street, Bridgend, CF31 4WB

Background documents

Gambling Commission Guidance to licensing authorities September 2015 available from www.gamblingcommission.gov.uk

House of Commons Library Fixed Odds Betting terminals by John Woodhouse available from www.parliament.uk/commons-library

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GAMBLING ACT 2005: BRIDGEND COUNTY BOROUGH COUNCIL



DRAFT STATEMENT OF PRINCIPLES

This document is also available in Welsh
Other formats available on request.

Version 3.0
Date comes into effect:

Note:

Numbering etc will be added to this document following the end of the consultation process

PREFACE

Gambling and betting are regulated by the Gambling Commission, whose duties include the licensing of operators and individuals involved in providing gambling and betting facilities. Bridgend County Borough Council, in its role as a licensing authority has a duty under the Act, to licence premises where gambling takes place and to licence certain other activities, including the registration of small society lotteries.

This document sets out how the licensing authority intends to approach this task. It should be noted that this policy statement will not override the right of any person to make an application, to make representations about an application, or to apply for a review of a licence. Every matter will be considered on its merits and according to the statutory requirements of the Gambling Act 2005.

CONTACT DETAILS

Licensing and Registration, Legal and Regulatory Services
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Level Four Civic Offices
Angel Street, Bridgend, CF31 4WB

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Fax: 01656 643285

Website: www.bridgend.gov.uk

The licensing authority has made every effort to ensure accuracy of this document and any typographic errors should be drawn to our attention. Any information contained within is not intended to be a substitute for independent legal advice. Should you have any comments or feedback once this Statement is published please send them to the above address.

Other websites of interest:

www.gamblingcommission.gov.uk

www.gamcare.org.uk

Index

Subject	Page
INTRODUCTORY SECTION	4
CONSIDERATION OF APPLICATIONS	14
PRINCIPLES GOVERNING THE CONSIDERATION OF SPECIFIC CLASSES OF PREMISES OR PERMIT	20
PERMITS / TEMPORARY & OCCASIONAL USE NOTICES	26
DECISION MAKING AND DELEGATION OF FUNCTIONS	32
RIGHTS OF APPEAL AND JUDICIAL REVIEW	34

1.0 INTRODUCTORY SECTION

1.1 The Licensing Objectives

A fundamental principle of this Statement is that in carrying out its functions the Bridgend County Borough Council licensing authority (“the licensing authority”) will promote the three licensing objectives set out in the Gambling Act 2005 (“the Act”).

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

This licensing authority will aim to permit the use of premises for gambling so far as it is satisfied that the application is:

- a. in accordance with any relevant code of practice issued by the Gambling Commission under Section 24 of the Act;
- b. in accordance with any relevant Guidance issued by the Gambling Commission under Section 25 of the Act (referred to within this document as “the Guidance”);
- c. reasonably consistent with the licensing objectives subject to a. and b. above ; and
- d. in accordance with the authority’s Statement of Licensing Policy published under Section 349 of the Act subject to a. to c. above.

- 1.2 This 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.

Summary of matters dealt with in this Statement

The regulatory functions for which the licensing authority is responsible are:

- Licensing of premises for gambling activities
- Consideration of notices given for the temporary use of premises for gambling
- Granting of permits for gaming and gaming machines in clubs and miners’ welfare institutes
- Granting of permits to family entertainment centres (FEC) for the use of certain lower stake gaming machines
- Granting of permits for prize gaming
- Consideration of occasional use notices for betting at tracks

- Registration of small societies' lotteries.
- Premises Licence Reviews
- Information provision to the Gambling Commission
- Maintenance of statutory registers

1.3 This Statement relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, which include:-

- Casinos;
- Bingo Premises;
- Betting Premises;
- Tracks;
- Adult Gaming Centres;
- Family Entertainment Centres (FEC's);
- Unlicensed FEC gaming machine permits
- Club Gaming and Club Machine Permits;
- Prize Gaming and Prize Gaming Permits;
- Temporary and Occasional Use Notices;
- Registration of small society lotteries;
- Notifications from alcohol licensed premises for the use of two or less gaming machines;
- Provisional Statements.

It should be noted that local licensing authorities are not involved in licensing remote gambling, and this activity is regulated by the Gambling Commission through Operator Licences.

1.4 Geographical area under which the Bridgend County Borough Council licensing authority will exercise functions under the Gambling Act 2005

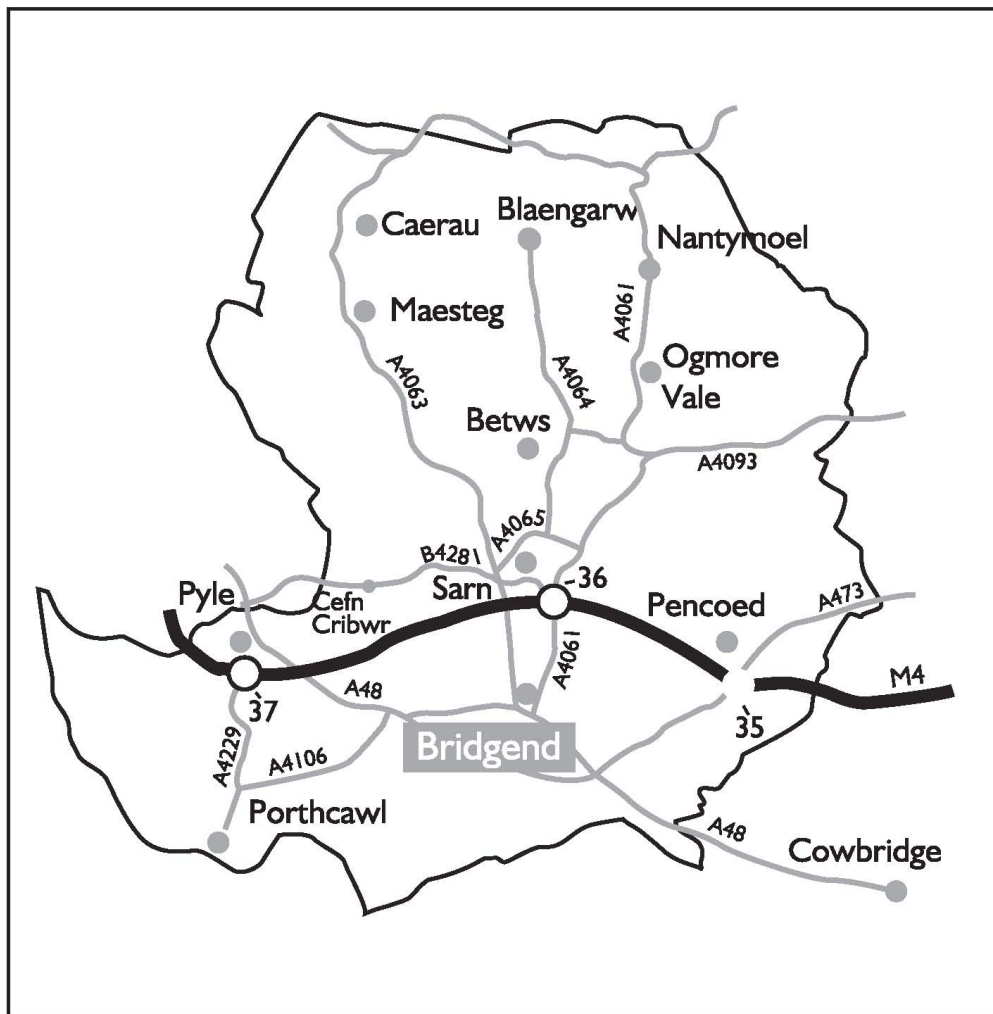
With its Bristol Channel coastline and mix of urban and rural communities, the County Borough lies at the geographical heart of South Wales and has a population of about 133,000. Its land area of 28,500 hectares stretches 20km from east to west and occupies the Llynfi, Garw and Ogmere valleys. The largest town is Bridgend (pop: 39,773), followed by Maesteg (pop: 20,700) and the seaside resort of Porthcawl (pop: 19,238).*source www.bridgend.gov.uk A plan of the area is reproduced below.

Bridgend County Borough Council is currently consulting on the following strategic themes: More up to date information will be published on the Council's website:

1. Supporting a successful economy.
2. Helping people to be more self-reliant.
3. Smarter use of resources.

The geographical area to which this policy applies is:

BRIDGEND COUNTY BOROUGH



BRIDGEND COUNTY BOROUGH COUNCIL
CIVIC OFFICES, ANGEL STREET, BRIDGEND, CF31 4WB.

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The authority has undertaken a local analysis of the gambling profile of Bridgend County Borough Council.

Premises/Permit Type	Number of Premises	Comments
Betting	18	18+
Bingo	2	18+
Adult Gaming Centre	6	18+
Family Entertainment Centre	4	Mixed access with 18+ segregated area
Registered Members Club	27	
Licensed Premises	8	Licensed premises with more than 2 machines
Licensed Premises	82	Automatic entitlement for two machines
Family Entertainment centre (permit)	10	Typically Seaside venues – all age access
Total Number of premises where gambling available	157	

There are also 153 local groups and societies registered to conduct lotteries for fundraising purposes.

1.6 Designation of the body competent to advise on protecting children and other vulnerable persons from being harmed or exploited by gambling (Section 157)

The licensing authority will consider the following principles when designating the body competent to advise on protecting children and other vulnerable persons from being harmed or exploited by gambling:

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

Having regard to the Commission's Guidance, the authority designates the Bridgend Children's Directorate, Safeguarding and Family Support as the most appropriate body to carry out this function.

1.7 How the Council will determine who qualifies as an Interested Party

Interested Parties can make representations to the licensing authority about licensing applications, or apply for a review of an existing licence. An interested party is someone who:

- Lives sufficiently close to the premises and is likely to be affected by the authorised activities or
- Has business interests that might be affected by the authorised activities or
- Represents persons in either category above

When exercising the powers under section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application for a premises licence, the licensing authority will follow the Guidance to Licensing Authorities issued by the Gambling Commission (hereafter referred to in this document as “the Guidance” and comprising all subsequent amendments). It will consider whether a person is an interested party with regard to a particular premises on a case by case basis, judging each on its merits and no rigid rule will be applied in the decision making process.

The principles which may be applied in each case are:

- The size and nature of the premises
- The distance of the premises from the person making the representations
- The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)
- The circumstances of the person(s) making the representations. (These are not the personal circumstances of the complainant but the interests of the complainant which may be relevant to the distance from the premises).

In determining whether a person has a business interest that could be affected, the licensing authority may take into account, amongst other things,

- The size of the premises
- The “catchment area” of the premises (how far people travel to visit the premises)
- Whether the person making the representation has business interests in this “catchment area” that might be affected

The authority considers that the following groups come within the category of those who could represent persons living close to the premises, or have business interests that may be affected by it as:

- Trade associations
- Residents’ and Tenants’ associations
- Charities
- Faith Groups
- Medical Practices

- School Head or Governor
- Community Group

The licensing authority will consider persons who are democratically elected as interested parties for example Councillors, AM's and MP's or Town, Community or Parish Councillors.

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

If individuals wish to approach Councillors to ask them to represent their views, care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then the party should contact Licensing and Registration Section for information.

All parties are reminded that representations must relate to the licensing objectives. If an interested party has difficulty in making representations, they should contact the Licensing Section for advice.

Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious or repetitious. The principles which will be applied in the decision making process are likely to be:

- Who is making the representation and whether there is a history of making representations that are not relevant
- Whether the representation relates to the licensing objectives
- Whether the representation is specific to the premises that are subject to the application

Any such decision will be made objectively and not on the basis of any political judgement. Where a representation is rejected a written statement of reasons will be issued.

In the absence of any regulations or statutory provision representations should ideally:

- Indicate the name and address of the person or organisation making the representation
- Indicate the premises to which the representation relates
- Indicate the proximity of the premise to the person making the representation
- Set out the reasons for making the representation
- Advise the licensing authority if any special assistance is required in submitting or making the representation in writing or orally

- Electronic submission of representations is deemed to be equal to written submission

1.8 Representations

Persons making representations should be aware that full disclosure of representations will be made available to applicants and published as part of Council reports to allow for transparency and negotiation between parties. In the event of a hearing, all representations will form part of a public report unless the person making the representations can satisfy the Council that there is a compelling reason not to do so.

Interested parties and responsible authorities are reminded that the Act does not include the prevention of public nuisance as a licensing objective. This is dealt with under separate legislation. The only representations that are likely to be relevant are those that relate to the licensing objectives, or which raise issues set out in this policy, the Guidance or Gambling Commission Codes of practice.

1.9 Responsible Authorities

The responsible authorities for this licensing authority are:

Section to be updated prior to publication

South Wales Police Divisional Police Station "F" Division Bridgend Brackla Street Bridgend CF31 1BZ	
Bridgend County Borough Council Legal and Regulatory Services Public Protection Department Civic Offices Angel Street Bridgend CF31 4WB Telephone: 01656 643260	Bridgend County Borough Council Communities Directorate Regeneration and Development Development Control (Planning) Civic Offices Angel Street Bridgend CF31 4WB Telephone:01656 643155
Bridgend County Borough Council	Health and Safety Executive

Children's Directorate Safeguarding and Family Support Civic Offices, Angel Street, Bridgend CF31 4WB	Government Buildings Phase 1 - Ty Glas Road Llanishen Cardiff CF14 5SH
South Wales Fire and Rescue Service Fire Safety Department Forest View Business Park Llantrisant CF72 8LX	The Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP
H. M. Revenue & Customs Ty Nant 180 High Street SWANSEA SA1 5AP	

Please note that the addresses of these bodies may change from time to time and you are advised to contact the Licensing Section before submitting an application.

1.10 Information Exchange and Responsible Authorities

In fulfilling its functions and obligations under the Act the Council will exchange relevant information with other regulatory bodies or responsible authorities and will establish separate protocols with these bodies where applicable. In exchanging such information, the Council will comply with the requirements of data protection, freedom of information, existing Council policies and any Guidance issued by the Gambling Commission. Section 29 of the Act places an obligation on the authority to comply with the Gambling Commission's information requests and the Gambling Commission's website sets out the information exchange protocols in place.

1.11 Regulation and Instituting Criminal Proceedings

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 in that section, the licensing authority will ensure compliance with the terms of premises licences and other permissions which it authorises.

The main enforcement and compliance role for this authority will be in respect of premises and other permissions for which it has responsibility. The Gambling Commission will be the enforcement body for operating and personal licences and concerns about manufacture, supply or repair of gaming machines will be notified to the Gambling Commission.

The principles for regulation will be informed by the Gambling Commission's Guidance and will endeavour to be in accordance with the principles of better regulation.

The principles to be followed are that regulators and regulation should be:

- Proportionate, appropriate to the risk posed, accountable, consistent and transparent.

This licensing authority will adopt a risk-based inspection programme of premises; the following criteria are to be used in determining the level of risk in respect of premises.

Use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crimes;

Use of licensed premises for the sale and distribution of illegal firearms;

Use of licensed premises for prostitution or the sale of unlawful pornography;

Use of licensed premises as a base for organised criminal activity;

Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;

Use of licensed premises for the sale of smuggled tobacco or goods;

The use of licensed premises for the sale of stolen goods.

Where children and/or vulnerable persons are put at risk.

The licensing authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Where any party has made valid representations about licensed premises, or a valid application for a licence to be reviewed, the licensing authority is minded to support conciliation meetings to address and clarify the issues of concern. This process will not override the right of any party to ask that the licensing authority consider their valid objections, or for any licence holder or applicant to decline to participate in a conciliation meeting.

The authority recognises that certain operators have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest opportunity, the authority requests that operators provide a single named point of contact who should be a senior individual within the organisation, and whom the authority will endeavour to contact first should any compliance issues arise.

The Council will take account of the guidance issued by the Gambling Commission and any subsequent amendments, in respect of making test

purchases at gambling premises and will also have regard to its own policies and procedures regarding the use of underage test purchasers.

1.12 Integration with existing legislation and local and national strategies

The licensing authority will follow the Guidance issued by the Gambling Commission when determining applications and will not take into account irrelevant matters, i.e. those not related to gambling objectives. In the unlikely event that the licensing authority perceives a conflict between a provision of a Gambling Commission code of practice or the statutory guidance issued by the Commission, and the authority's policy statement, the Gambling Commission's codes and Guidance will take precedence.

The licensing authority will have regard to the Guidance in respect of the relationship between planning permission, building regulations and the granting of premises licences

1.13 The Statement of Licensing Principles will be reviewed in accordance with the provisions of the Act and will serve as a basis for determining licence applications.

1.14 Following consideration of the consultation responses, the Statement was approved at a meeting of Council held on ***** and comes into effect on ***** A copy is available at www.bridgend.gov.uk.

A copy is also available free of charge from the Licensing Section and in other formats on request.

1.15 A list of persons whom the authority has consulted in preparing the statement.

The Council consulted with the following bodies before adopting the Statement:

The Chief Constable:South Wales Police
The Chief Fire Officer: South Wales Fire & Rescue Service
Council Safeguarding and Partnership leads
Town and Community Councils
Bridgend Local Health Board
Faith Groups
Community Safety Partnership members
H. M. Revenue & Customs
Association of British Bookmakers (ABB)
BACTA
British Assoc. of Leisure Parks, Piers & Attractions Ltd.
GAMCARE
The Gambling Commission
Equality groups

Public consultation also took place via the authority's website between 5 October 2015 and 30 November 2015.

1.16 Casinos

This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the full Council. Should the Council pass such a resolution, this licensing authority will consider applications in line with the guidance issued by the Gambling Commission.

1.17 Declaration

In producing the final Statement, the licensing authority has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and responses from those consulted on the Statement. The authority has also had regard to its responsibilities under Section 17 of the Crime and Disorder Act 1998 and the Human Rights Act 1998 (Articles 1, 6, 8 and 10), and legislation to eliminate unlawful discrimination and inequality.

The Council recognizes its diverse responsibilities under equality legislation and will monitor impact of these statutory duties through its various corporate equality schemes and impact assessments. The Statement of Licensing Principles is not intended to duplicate existing legislation and regulatory regimes which already place obligations on employees and operators of gambling establishments.

When discharging its functions, the licensing authority will have regard to the different considerations between the objectives set out in the Licensing Act 2003 and the Gambling Act 2005. When deciding whether or not to grant a licence, the licensing authority will not have regard to the expected demand or need for gambling premises that are the subject of the application.

The Guidance to Local Authorities issued by the Gambling Commission may be revised from time to time and references to criteria etc. set out in this statement are to be construed as referring to the current edition of the Guidance.

2.0 CONSIDERATION OF APPLICATIONS

2.1 Nothing in this Statement will:

Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits, or

Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act, or

Preclude each case being decided on its merits taking into account the measures proposed by an applicant to address the gambling licensing objectives.

2.2 The licensing authority's primary obligation under section 153(1) of the Act is to permit the use of premises in so far as it thinks that to do so is:

- a. in accordance with relevant codes of practice issued by the Commission
- b. in accordance with guidance issued by the Commission
- c. reasonably consistent with the licensing objectives (subject to (a) and (b) above),
and
- d. in accordance with the Licensing Authority Statement of Policy published by the authority (subject to (a) to (c) above).

2.3 Primary Gambling Activity and Definition of Premises

2.3.1 In considering applications and undertaking its regulatory role the licensing authority will apply the principles and tests set out in the Guidance in respect of the following matters:

- The primary gambling activity of the premises
- The definition of a "premises"
- Multi-purpose sites and multiple licences for a building
- Division of premises and access between premises

Full details are contained in the current Guidance and the licensing authority will have regard to any future revisions of these definitions. The authority will therefore consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

2.3.2 This authority will have regard to the Commission's Guidance in respect of the relationship between planning permission, building regulations and granting of a premises licence.

2.3.3 The licensing authority will be mindful that operators can apply for a premises licence in respect of premises which have still to be constructed or altered and will determine any such application on its merits. The authority will adopt the process of assessment advocated by the Commission in its Guidance. It will also consider imposing an effective date of commencement of the licence or a condition stating when a licence will come into effect, as the case may be, to ensure that premises are constructed in accordance with plans. The authority will consider a physical inspection as an appropriate means of ensuring compliance with any condition imposed.

2.4 Location of premises

2.4.1 This licensing authority will follow the Commission's guidance that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling as well as issues of crime and disorder.

2.4.2 When determining applications or reviews the authority will determine each application on its merits and if an applicant can show how risks to the licensing objectives can be mitigated, the licensing authority will take this into account in its decision making.

2.4.3 The licensing authority will give sympathetic consideration to the re-siting of premises within the same locality subject to any representations which highlight a likely negative impact on the licensing objectives.

2.4.4 The licensing authority recommends applicants to consider adopting the British Amusement Catering Trade Association's (BACTA) voluntary codes of practice relating to social responsibility, good practice, training initiatives and age of entry control policies.

2.4.5 The licensing authority recommends that applicants consider BACTA and GamCare codes of policy regarding site self-exclusion to support those persons who have difficulty controlling their gambling.

2.5 Vessels and vehicles

2.5.1 The Act permits premises licences to be granted for passenger vessels. Separate application forms are prescribed for vessels under the Premises Licences and Provisional Statements Regulations. This authority adopts the definition of vessels and vehicles set out in the Act and the criteria set out in the Guidance when considering structures which are an extension of the land, including a pier or a bridge which are to be considered as premises under the Act and all other matters relating to vessels and the waters over which it has jurisdiction to act.

2.5.2 The Act allows pleasure boats to apply for premises licences and the Guidance set out by the Gambling Commission in this and all other matters relating to vessels.

2.6 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime

2.6.1 The licensing authority will pay due regard to the proposed location of gambling premises in terms of this licensing objective and to the distinctions between serious crime, disorder and nuisance. The licensing authority will only grant a licence application if it is satisfied that crime prevention has been adequately addressed.

2.6.2 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 appropriate such as the provision of door supervisors. The licensing authority will not address issues of nuisance which can be addressed by other relevant legislation or general nuisance issues e.g. parking or anti-social behaviour.

2.6.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the South Wales Police before making a formal application.

2.6.4 In considering licence applications, the licensing authority will particularly take into account the following:

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age-restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

This list is not exhaustive and applicants may propose other measures which will address this licensing objective. Applicants for a premises licence will first need to obtain an operating licence issued by the Gambling Commission. As a result the licensing authority will not be primarily concerned with the suitability of an applicant, but where those concerns do arise, the licensing authority will bring these to the attention of the Gambling Commission.

2.7 Ensuring that gambling is conducted in a fair and open way

2.7.1 The Gambling Commission does not generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way; this will be addressed via operating and personal licences save with regard to tracks, which is explained in more detail below. The authority will, as required, advise the Commission if there is evidence that this objective is not being met.

2.8 Protecting children and other vulnerable persons from being harmed or exploited by gambling

2.8.1 This authority will have regard to the intention of the Gambling Act that, with limited exceptions, children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to children from being harmed or exploited by gambling. This means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling

products are not aimed at children or advertised in such a way that makes them particularly attractive to children, (excepting Category D gaming machines).

The LCCP Codes prescribe how operators must prevent children from using age restricted gaming or gambling activities particularly where gaming machines are licensed. The authority will take all conditions and codes into account when considering applications or undertaking compliance and enforcement activities

2.8.2 Having due regard to the measures set out in the application, and to any relevant representations, the licensing authority may therefore consider 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, training, and siting of ATM's (cash machines).

2.8.4 As regards the term "vulnerable persons" it is noted that the Gambling Commission does not seeking to offer a definition but sets out for regulatory purposes a number of vulnerable groups to may not be able to make informed or balanced decisions about gambling. This licensing authority will consider whether any special considerations apply to this licensing objective on a case by case basis balanced against the objective to aim to permit the use of premises for gambling.

2.9 Considerations relating conditions to be attached to Premises Licences

2.9.1 The licensing authority acknowledges that mandatory conditions are set by the Secretary of State with the intention that no further regulation in relation to that matter is required. Therefore it is considered extremely unlikely that the authority will need to impose individual conditions imposing a more restrictive regime in relation to matters that have already been dealt with by mandatory conditions. The licensing authority will only consider imposing conditions where there is evidence of regulatory concerns of an exceptional nature and any additional licence conditions **will be evidence based** and relate to the licensing objectives.

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

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

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

2.9.4 This licensing authority take particular care in assessing applications for multiple premises licences for a building in accordance with the Gambling Commission's Guidance.

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2.10 Door Supervisors

2.10.1 Where the authority exercises its discretion to impose a premises licence condition to require entrances to the premises to be controlled by a door supervisor, that person is required to be licensed under the Private Security Industries Act 2001 (PSIA). Each case will be judged on its merits within the overarching Guidance relating to imposing conditions above any Mandatory Conditions.

3.0 PRINCIPLES GOVERNING THE CONSIDERATION OF SPECIFIC CLASSES OF PREMISES OR PERMIT

3.1 In addition to the general principles to be applied when considering applications, the following issues may be considered in appropriate circumstances in respect of the following specific classes of permit or premises.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission commencing in May 2015 places further onus on premises to complete a risk assessment based on the Social Responsibility code. The authority will have regard to this code when considering applications. Operators may access this information via the Gambling Commission website at www.gamblingcommission.gov.uk

Risk Assessments (with effect from 6 April 2016)

The Gambling Commission and social responsibility code within the LCCP requires gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. These local risk assessments are specific to the potential harm that gambling may have on one or more of the licensing objectives. They should be specific to the premises, the local area and the community and the licensing authority therefore expects the applicant to have a good understanding of the area in which they either operate, or intend to operate.

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

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

This is not an exhaustive or prescriptive list, but matters that risk assessment may include are:

- The area in which the premises is located/to be located
- Staff training in intervention when a customer shows signs of excessive gambling

- Location and coverage of CCTV cameras and how the system is operated and monitored
- The layout of the premises to allow staff to have an unobstructed view of persons using the premises
- Staff numbers including the supervisory and monitoring arrangements when staff are absent from the licensed area by reason of dealing with customers
- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated trained personnel, leaflets, posters etc.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Arrangements for localized exchange of information regarding self-exclusions and gaming trends
- Setting, including proximity to schools, youth centres, leisure centres, other gambling outlets, refreshment and entertainment type facilities, parks and playgrounds
- Known problems in the area involving young persons such as problems arising from anti-social behaviour

Appropriate Licence Environment

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises e.g. at motorway service areas and shopping malls, the authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

3.2 Adult Gaming Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- The display of sources of help for persons with a gambling problem in prominent areas, and in more discreet areas to afford anonymity.
- Self-barring and self-exclusion schemes
- Gaming odds to be clearly displayed on machines
- ATM or other cash machines to be separate from gaming machines

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

3.3 (Licensed) Family Entertainment Centres

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority will expect applicants to offer their own measures to comply with the licensing objectives and mandatory conditions; however appropriate measures 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 and self-exclusion 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.
- Gaming odds to be clearly displayed on machines
- ATM or other cash machines to be separate from gaming machines

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

3.4 Bingo premises

Bingo is not given a statutory definition in the Act and the licensing authority will have regard to the commonly understood terms of cash bingo and prize bingo laid down in the Guidance.

This licensing authority will have regard to the Gambling Commission's Guidance and Mandatory Conditions relating to the admission of children to premises licensed for bingo.

3.5 Betting premises

Children and young persons will not be able to enter premises with a betting premises licence although special rules will apply to tracks. The licensing authority intends to follow the Commission's Guidance in respect of off course betting and premises licences.

3.6 Tracks

3.6.1 This licensing authority adopts the Guidance set out by the Gambling Commission in terms of definitions of tracks and the grant of premises licences. It 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).

3.6.2 This 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.

3.6.3 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures 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 and self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare
- Gaming odds to be clearly displayed on machines
- ATM or other cash machines to be separate from gaming machines

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

3.6.4 Plans should make clear what is being sought for authorization under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence. Plans need not be to a particular scale but should be sufficiently detailed to comply with regulations and enable the licensing authority to make an informed judgement about whether the premises are fit for gambling. The authority will have regard to the specific Guidance issued in respect tracks including defining the outer perimeter of a track and the location of betting areas

3.7 Travelling Fairs

3.7.1 The licensing authority adopts the Commission's Guidance on this matter.

3.8 Conditions and avoiding duplication with other legislation

3.8.1 A range of general legislation governing health and safety, disability and race discrimination, employment law and fire safety is already imposed on the

owners of gambling premises. The licensing authority will strive not to duplicate existing regulatory regimes.

3.9 Consideration of Provisional Statements

3.9.1 Section 204 of the 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
- expects to acquire a right to occupy.

The Guidance states that a licence to use premises for gambling should only be issued in relation to a premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future. If the construction of the 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 submitted.

The authority will follow the Gambling Commission guidance in respect of the two stage process for determining an application.

3.9.2 Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Commission (except in the case of a track), and they must have the right to occupy the premises in respect of which their premises licence application is made. However, these restrictions do not apply in relation to an application for a provisional statement. The licensing authority will not speculate on or otherwise take into account the likelihood of an operating licence being granted in its consideration of the application for a provisional statement.

3.9.3 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:

- which could not have been raised by way of representations at the provisional licence stage,
- which, in the authority's opinion, reflect a change in the operator's circumstances,
- where the premises has not been constructed in accordance with the plan and information submitted with the provisional statement application.

3.9.4 This must be a substantial change to the plan and licensing authorities will discuss any concerns they have with the applicant before making a decision.

3.9.5 The licensing authority will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.

3.9.6 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant

authorities or interested parties will 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

4.0 Reviews

4.1 A premises licence may be reviewed by the licensing authority of its own volition or following the receipt of an application for a review. Reviews will be normally be delegated to a Licensing Sub-Committee for determination.

4.2 Consideration of applications for review will be made on the basis of whether the request for the review is relevant to the matters listed below (subject to proviso that each case will be dealt with on merit). Due regard will be given as to whether the request is frivolous, vexatious or repetitious. Representations which may trigger the review process may therefore include:

- Use of licensed premises for the sale and distribution of drugs and the laundering of the proceeds of drugs crimes;
- Use of licensed premises for the sale and distribution of illegal firearms;
- Use of licensed premises for prostitution or the sale of unlawful pornography;
- Use of licensed premises as a base for organised criminal activity;
- Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- Use of licensed premises for the sale of smuggled tobacco or goods;
- The use of licensed premises for the sale of stolen goods;
- Children and/or vulnerable persons are being put at risk.

4.3 In addition, due consideration will be given to the following;

- the grounds are irrelevant;
- the grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the Premises Licence;
- the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

5.0 PERMITS / TEMPORARY & OCCASIONAL USE NOTICES

5.1 Unlicensed Family Entertainment Centre gaming machine permits

- 5.1.1 The licensing authority does not intend to publish a separate statement of principles for considering applicant suitability for applications for FEC permits under paragraph 7 of Schedule 10 to the Act and, for ease of reference, includes this as part of this policy document.
- 5.1.2 Application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed FEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises.
- 5.1.3 Where a premises 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 of the Gambling Act 2005).
- 5.1.4 The licensing authority adopts the Gambling Commission's Guidance for local authorities in respect of these permits, giving particular weight to child protection issues.
- 5.1.5 An application for a permit is likely to be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC and the applicant can demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that he or she 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;
- 5.1.6 The licensing authority will have regard to membership of any trade association which has included training and guidance to operators.
- 5.1.7 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- The efficiency of such policies and procedures will each be considered on their merits, however, they may include:
 - staff training as regards suspected truant school children on the premises;
 - measures and or training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

- It should be noted that a licensing authority cannot attach conditions to this type of permit.

5.2 (Alcohol) Licensed premises gaming machine permits

5.2.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to an automatic entitlement to have 2 gaming machines, of categories C and/or D. The premises merely needs to notify the licensing authority of their intention to make gaming machines available for use. The licensing authority will consider making an Order under Section 284 of the Act if it is satisfied that:

- 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.
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

5.2.2 If a premises wishes to have more than two machines, then it needs to apply for a permit and the licensing authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission, and such matters as they think relevant. This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to:

- the need to protect children and vulnerable persons from harm or being exploited by gambling
- whether the applicant can satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines.

Measures which will satisfy the authority that there will be no access may include:

- the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18
- Appropriate notices and signage

5.2.3 As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

5.2.4 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.

5.2.5 It should be noted that the licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for.

5.2.6 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.

5.3 Prize Gaming Permits

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

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

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

5.3.3 In making its decision on an application for this permit the licensing authority may have regard to the licensing objectives, the Gambling Commission guidance and relevant representations from the South Wales Police. This will include representations about the suitability of an applicant in terms of relevant convictions, the location of the premises in relation to disorder and child protection issues.

5.3.4 It should be noted that there are conditions in the Gambling Act 2005 with 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.

5.4 Club Gaming and Club Machines Permits

5.4.1 The licensing authority will have regard to and follow the Commission's Guidance in respect of the grant of Club Gaming and Club Machines Permits

5.4.2 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The licensing authority will follow the Gambling Commission's Guidance that the grounds on which an application under the process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

5.5 Temporary Use Notices

5.5.1 Part 9 of the Act sets out the position in relation to temporary use notices. These 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.

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

5.5.3 The meaning of 'premises' in Part 8 of the Act will be a question of fact in the particular circumstances of each notice that is given. The licensing authority will examine, amongst other things, the ownership/occupation and control of the premises and will follow the criteria set out in the Guidance when assessing applications where it appears that the effect of notices would be to permit regular gambling in a place that could be described as one set of premises.

5.5.4 When considering whether to give notice of objection, the licensing authority will have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications, they will give a notice of objection to the person who gave the temporary use notice.

5.5.5 The principles that the authority will apply in issuing a counter-notice will be the same as those in determining premises licence applications. In particular, the licensing authority is aware of the Guidance that it should aim to permit the provision of facilities for gambling under a temporary use notice subject to its view as to whether to do so accords with a Commission code, the Guidance, or its Statement of Policy and is reasonably consistent with the licensing objectives.

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

5.6 Occasional Use Notices

5.6.1 Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence. The licensing authority is mindful that the meaning of 'track' in the Act covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place (section 353(1)). This means that land which has a number of uses, one of which fulfils the definition of track, can qualify for the occasional use notice provisions (for example agricultural land upon which a point-to-point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

5.6.2 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.

5.7 Small Society Lotteries

5.7.1 Applicants for registration are reminded that it is inherent in the definitions that a society must have been established for one of the permitted purposes, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries – it must have some other purpose. The authority will apply the following tests:

- society status – the society in question must be 'non-commercial'
- lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If the operator plans to exceed either of these values then they may need to be licensed with the Commission to operate large lotteries instead.

5.7.2 The authority recommends applicants and prospective applicants obtain the Commission's advisory documents relating to lotteries which are available on the Commission's website.

5.7.3 Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and be accompanied by both the required registration fee and all necessary documents required by the licensing authority to assess the application accordingly.

5.7.4 The authority may ask new applicants for a copy of their terms and conditions or their constitution to establish that they are a non-commercial society. It may also require applicants to provide a declaration, stating that they represent a bona-fide non-commercial society.

5.7.5 The authority will delegate the registration of small societies to licensing officers, subject to its specific process of delegations.

5.7.6 The authority proposes to set out the following grounds for licensing for refusing a small society lottery registration application:

- An operating licence held by the applicant for registration has been revoked or
- an application for an operating licence made by the applicant for registration has been refused, within the past five years, or
- The society in question cannot be deemed non-commercial. Each case will be determined on its merits but an applicant may be required applicants to provide a statement with their application form declaring that they represented a bona-fide non-commercial society, and identifying how the purpose of the society could be established. In some circumstances further supporting information will be sought.
- A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence. The licensing authority may require an applicant to provide an additional statement declaring that they have no relevant convictions that would prevent them from running lotteries.
- Information provided in or with the application for registration is found to be false or misleading.

5.7.7 The licensing authority will only refuse an application for registration after the society has had the opportunity to make representations. These will normally be considered at a formal hearing. The licensing authority will inform the society of the reasons why it is minded to refuse registration and provide it with at least an outline of the evidence on which it has reached that preliminary conclusion in order to enable representations to be made. Representations and objections that may result after such a decision will be handled in the same way that the authority would handle representations relating to other licensing matters. A copy of these procedures will be provided with the initial correspondence.

5.7.8 The licensing authority may determine to revoke the registration of a society if it thinks that they would have had to, or would be entitled to, refuse an application for registration if it were being made at that time.

5.7.9 Revocations will not take place unless the society has been given an opportunity to make representations at a hearing or via correspondence. In preparation for this, the authority will inform the society of the reasons why it is minded to revoke the registration and provide them with the terms of the evidence on which it has reached that preliminary conclusion.

6.0 DECISION MAKING AND DELEGATION OF FUNCTIONS

6.1 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee may delegate certain decisions and functions and has established Sub-Committees to deal with them. Functions which are purely administrative in nature and non-contentious applications will be delegated to Council Officers.

6.2 A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a panel involving an application within their ward.

6.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process.

6.4 The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.

6.5 The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

6.6 The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

6.7 Every determination of a licensing decision by the Licensing Committee or Sub-Committee shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.

- 6.8 Nothing in this Statement will override the right of an applicant, responsible authority or interested party to appeal against the decision of a Licensing Sub-Committee.
- 6.9 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.
- 6.10 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Committee, or Committee to Council, if considered appropriate in the circumstances of any particular case.

Matter	Council	Sub-Committee	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
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		X	

gaming/ club machine permits			
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	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation is frivolous, vexatious or repetitive			X

The above delegations relate to the over arching principles of delegation for policy issues and applications for premises licences. Other delegations may be added from time to time and will be available at www.bridgend.gov.uk in accordance with the Council's constitution and Scheme of Delegation to officers and the Commission's Guidance.

7.0 RIGHTS OF APPEAL AND JUDICIAL REVIEW

- 7.1 The avenues of appeal against decisions by a licensing authority are set out in sections 206 to 209 of the Gambling Act 2005.
- 7.2 The licensing authority will give clear and comprehensive reasons for a rejection of an application. The reasons will address the extent to which the decision has been made with regard to the Licensing Authority's Statement of Policy and the Commission's Guidance.
- 7.3 An appeal has to be commenced by the giving of a notice of appeal by the appellant to the Bridgend Magistrates' Court within a period of 21 days, beginning with the day on which the appellant is notified by the licensing authority of the decision being appealed.
- 7.4 Any party to a decision may apply for judicial review if they believe that the decision taken by the licensing authority is:
- illegal – that is beyond the powers available to the licensing authority

- subject to procedural impropriety or unfairness – which is a failure in the process of reaching the decision, such as not observing the ‘rules of natural justice’
- irrational – where a decision is so unreasonable that no sensible person could have reached it (in effect ‘perverse’ or ‘Wednesbury’ unreasonable).

Sources used to prepare the Statement of Principles included:

The Gambling Commission Guidance available at www.gamblingcommission.gov.uk

Census data from www.bridgend.gov.uk

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It is clear to Councils and Councillors that their ability to deal with and curb the proliferation of betting shops in town centres and high streets, as well as controlling the quantity of FOBTs available is severely restricted under the 2005 Gambling Act. Despite the Minister for Local Government's view that licencing authorities are not making sufficient use of existing powers.

It is proposed to give Scotland the power to vary the number of FOBTs in new betting premises and, subject to amendments in the Scotland Bill, this could be extended as a retrospective power. No such power for Licensing Authorities in England and Wales is proposed just a continual reference to "existing powers".

The view of the Campaign for Fairer Gambling is that the power to vary the number of FOBTs should be devolved to all Local Authorities and their Licensing Committees as is proposed for Scotland. However, it is not the quantity of machines that essentially creates the problem as can be seen from the latest Gambling Commission statistics.

Sector/Machines	Terminals	Yield (millions)	Yield Share
Betting Shops/B2	34,874	£1,613.60	68%
Bingo B3/4/C/D	52,506	£292.24	12%
Casino B1/2/3	2,925	£166.26	7%
AGC B3/4/C/D	50,530	£306.09	13%
Totals	140,835	£2,378.19	

Figures from the Gambling Commission Industry Statistics to September 2014

All gaming machines other than B2/FOBTs are capped at £2 and under per spin. It is the capacity for large losses that is facilitated by such a high staking capacity (£1 to £100 rather than 25 pence up to £2 as on most other gaming machines) that is the core of the problem regarding the B2 casino content.

As part of your Council's gambling policy over the next three years, we recommend you contain a statement supporting further regulatory action against FOBTs, with greater powers of control devolved to councils.

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Specific Policy Comments

The draft statement of principles starts with a statement that indicates that the fundamental principle of the statement is that in carrying out its functions, the Licensing Authority will promote the three licensing objectives. It is important that there is no confusion between the Licensing Act 2003 and Gambling Act 2005 regimes. Under Gambling Act 2005, the Licensing Authority is required to “have regard” to the licensing objectives whilst applications and the operation of licensed premises must be “reasonably consistent” with the licensing objectives. The only body upon whom Gambling Act 2005 confers a duty to promote the licensing objectives is the Gambling Commission.

Paragraph 2.4 of the draft statement of principles explains the Licensing Authority’s approach to location of premises and paragraph 2.4.2 indicates that the Licensing Authority will consider very carefully applications in proximity to schools, leisure centres and premises used specifically or to a large degree by young or vulnerable persons. The statement of principles should be clear that there is no higher evidential burden when premises fall where applications are made within such areas and in any event, these matters will be taken into account by the local area risk assessment undertaken from 6th April 2016. Those risk assessments will acknowledge potential risks to the licensing objectives and detail mitigation measures, policies and procedures in place to address those risks.

The ABB welcomes the statement of paragraph 2.9.1 that the Licensing Authority will only consider imposing conditions where there is evidence of regulatory concerns of an exceptional nature. It is important that the statement of principles is clear that conditions will only be imposed where there is evidence of a need to do so is made.

We respectfully submit that the draft statement of principles would be assisted by an indication that the starting point for consideration for any application is that it will be granted subject only to

the mandatory and default conditions as these are usually sufficient to ensure operation that is reasonably consistent with the licensing objectives.

Paragraph 3.1 introduces the risk assessments which must be taken from 6th April 2016 and provides a list of matters that may be included within that risk assessment. We respectfully submit that this list be redrafted as it contains matters that have no bearing whatsoever on the licensing objectives such as gaming trends that may mirror days for financial payments/ or benefit payments and the proximity of premises to places of worship. The requirement is to address risks to the licensing objectives. Benefit payment days and the proximity of churches/ places of worship will have no impact whatsoever on the licensing objectives and therefore these should be removed from the list.

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