

Public Document Pack
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 643387
Ask for / Gofynnwch am: Sarah Daniel

Date / Dyddiad: Wednesday, 23 September 2015

Dear Councillor,

LICENSING COMMITTEE

A meeting of the Licensing Committee will be held in Committee Rooms 2/3, Civic Offices Angel Street Bridgend CF31 4WB on **Tuesday, 29 September 2015 at 2.30 pm.**

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 - 4
To receive for approval the minutes of the Licensing Committee of 21 May 2015
4. Hackney Carriage and Private Hire Vehicle Driver Licence Fees 5 - 12
5. Private Hire Operator Fees 13 - 18
6. Gambling Act Licensing Policy 19 - 58
7. 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

Tel/Ffôn: 01656 643643

SMS Messaging/Negeseuon SMS: 07581 157014

Fax/Facs: 01656 668126

Twitter@bridgendCBC

Email/Ebost: talktous@bridgend.gov.uk

Website/Gwefan: www.bridgend.gov.uk

Text relay: Put 18001 before any of our phone numbers for the text relay service

Cyfnwidi testun: Rhwyh 18001 o flaen unrhyw un o'n rhifau ffon ar gyfer y gwasanaeth trosglwyddo testun

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 COUNCIL CHAMBER, CIVIC OFFICES ANGEL STREET BRIDGEND CF31 4WB ON THURSDAY, 21 MAY 2015 AT 10.00 AM

Present

Councillor R Williams – Chairperson

GW Davies MBE	PA Davies
RD Jenkins	B Jones
HE Morgan	E Dodd
DRW Lewis	P James
JE Lewis	

Officers:

Katia Daw	Legal Officer
Yvonne Witchell	Licensing and Registration Officer
Sarah Daniel	Democratic Services Officer

1. APOLOGIES FOR ABSENCE

Apologies were received from the following Member for the reasons so stated:

Councillor C James – Unwell
Councillor E Venables - Holiday

2. DECLARATIONS OF INTEREST

None received

3. APPROVAL OF MINUTES

RESOLVED: That the minutes of the meeting of the Licensing Committee held on 19 March 2015 were approved as a true and accurate record

4. APPOINTMENT OF LICENSING SUB-COMMITTEE(S)

The Licensing and Registration Officer provided the Committee with a report that proposed the membership of the Licensing Sub- Committee. It was proposed that the Licensing Committee continue with the existing arrangements and approve the formation of two panels, (ie A and B) sitting on a rota basis with each Sub- Committee consisting of seven Members of the Licensing Committee and chaired by the Chairperson and the Vice Chairperson of the Licensing Committee , respectively. She suggested that in the event that the Chairperson or the Vice-Chairperson are not able to attend their respective Sub-Committee meeting, an alternative Member will be elected from those in attendance to Chair the meeting in their absence.

RESOLVED: The Committee approved the formation of two panels sitting on a rota basis each consisting of seven members of the Licensing Committee which are as follows:

Sub-Committee A:

Councillor P James
Councillor RD Jenkins
Councillor B Jones
Councillor JE Lewis
Councillor HE Morgan
Councillor E Venables
Councillor R Williams

Sub-Committee B:

Councillor GW Davies
Councillor PA Davies
Councillor E Dodd
Councillor CJ James
Councillor PN John
Councillor DRW Lewis
Councillor DG Owen

The Licensing Sub-Committees will undertake licensing functions, including taxi licensing and street trading as set out in the Council's Constitution

5. APPOINTMENT OF LICENSING ACT 2003 SUB- COMMITTEE(S)

The Licensing and Registration Officer presented a report to the Committee which proposed the membership of the Licensing Act 2003 Committee Sub-Committees. She asked the Committee to approve the formation of further Sub-Committees consisting of three Members of the Licensing Act 2003 Committee to determine applications under the Licensing Act 2003 and Gambling Act 2005. She proposed that the Licensing Act Committee 2003 Sub-Committees be chaired by the Chairperson and/or Vice-Chairperson of the Licensing Act 2003 Sub-Committees where possible. In the event that the Chairperson or the Vice-Chairperson is not able to attend the meeting, a Chairperson will be elected by the Sub-Committee in their absence. The Licensing and Registration Officer also asked the Committee to approve an informal substitution system, whereby if Members of a Sub-Committee are unable to attend the meeting, Members from the second Sub-Committee could be called upon on a rota basis with geographical locations taken into consideration.

RESOLVED: That Committee approved:

- (1). The formation of Licensing Act 2003 Sub-Committees consisting of three Licensing Act 2003 Committee Members sitting on a rota basis; to be chaired by the Chairperson or Vice Chairperson of the Licensing Act 2003 Committee where possible
- (2). That the relevant functions set out in the Constitution Part 3 Responsibility for Functions are delegated to the Licensing Act 2003 Sub-Committees and Officers
- (3). The proposal of an informal substitution system on a rota basis, should members of one Sub-Committee be unable to attend their Committee meeting

The meeting closed at 10:15am

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

29 SEPTEMBER 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

DEREGULATION ACT 2015

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER LICENCES

1. Purpose of Report.

1. The purpose of this Report is to recommend new licence fees for dual hackney carriage and private hire vehicle drivers to reflect a change to the duration of a licence being brought into effect by the Deregulation Act 2015.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The duties of the Council as a licensing authority are statutory in nature but many of the licensing objectives support the principal aims of the Corporate Improvement Plan and the Council's corporate priorities.

3. Background.

- 3.1 The Deregulation Act 2015 amends the section of the Local Government (Miscellaneous Provisions) Act 1976 that sets out the duration of licences for hackney carriage and private hire driver licences.
- 3.2 The present practice in Bridgend County Borough is to grant these licences for a maximum period of one year.
- 3.3 The amendments made by the Deregulation Act establish a standard duration for a driver licence of 3 years. A licence may be granted for a shorter period where there is a justifiable reason. This reason would be related to the circumstances of an individual case and cannot be applied as a blanket policy. The commencement date for these measures is 1st October 2015.
- 3.4 Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees in respect of hackney carriage and private hire drivers' licences. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.
- 3.5 In respect of drivers' licences the Act states that the Council may charge 'such a fee as it considers reasonable with a view to recovering the costs of issue and administration associated with the grant of Hackney Carriage and Private

Hire drivers' licences'. Consequently, enforcement costs in relation to drivers' licences cannot be recovered through the licence fee.

- 3.6 Case law has established that when the Council makes a surplus in respect of licence fees it should give account for that the next time that the fees are set; and if it incurs a deficit it may also take that into account. The calculations in respect of each type of licence issued by the Council should be kept separate.

4. Current situation / proposals

- 4.1 All new taxi drivers are required to produce an enhanced DBS certificate prior to grant of their licence, and once licensed, this Council's policy is that drivers are required to produce an enhanced DBS certificate on a triennial basis.
- 4.2 The licensing authority requires an enhanced DBS to check for any criminal convictions/cautions in order to determine whether an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage/private hire driver's licence. The current fee of £44 is payable to the Disclosure and Barring Service (DBS) in addition to the licence fee.
- 4.3 From 1st October 2015 drivers may be issued with a 3 year licence, and this will result in the majority of drivers being required to produce a new DBS certificate at some point between licence renewals. This is considered to be costly and bureaucratic for both the driver and licensing authority.
- 4.4 Regard also needs to be given to mitigating the impact of all drivers submitting renewal applications on a three year cycle in October which will result in peaks in resource demand and difficulties in financial budgeting.
- 4.5 In order to synchronise the DBS checks with licence renewals and reduce costs for both drivers and the licensing authority, it is proposed that drivers are offered a 3 year licence but must provide an enhanced DBS Certificate regardless of whether it is due. If drivers do not wish to pay for an additional DBS Certificate (currently £44) they may have a one year licence renewal until their next DBS Certificate is due. Proposed fees for both a 1 year licence and 3 year licence have therefore been calculated for approval. A shorter period licence may also be appropriate in the case of disciplinary issues, but each case should be assessed on its merits.
- 4.6 The fee income for the financial year 2014/15 has been reviewed and the fees have been calculated using a software toolkit developed by the Wales Licensing Expert Panel.
- 4.7 The methodology used to calculate the fees follows the processes set out in the fees toolkit. All general expenditure across the Licensing Section has been applied to generate an hourly rate for each member of staff.
- 4.8 The total general expenditure (£69713) is divided amongst each member of staff (7 in total) to give an hourly rate as follows:

Licensing Officer £41.08
 Senior Licensing Assistant £35.29
 Licensing Assistant £27.03
 Licensing Enforcement Officer £32.98

4.9 Officer time spent on tasks relating to the licence type has also been calculated in minutes such as dealing with enquiries, general administration, meetings, project work and training. The total cost for additional officer time in relation to taxi drivers is £23,229 and is apportioned across the relevant applications received.

4.10 The process steps involved in the administration of the dual hackney carriage and private hire vehicle driver's licence have been set out with the time spent by each officer being applied to each process step. As set out in legislation, the cost of enforcement must be excluded from this process. New procedures have been built into the grant and renewal processes (and therefore officer time spent on the process) with the introduction of a new corporate DBS processing system, the implementation of electronic records management and a new DVLA driver licence checking processes.

4.11 This cost of the administration of the licence (based on the hourly rates calculated in paragraph 4.8) are added to the 'total other charges' as follows:

Cost of 1 year licence	£
Administrative cost of grant & issue of licence	61.28
Total other charges	40.51
Total Grant Fee 1 year driver licence	101.79

Cost of 1 year licence renewal	£
Administrative cost of grant & issue of licence	22.08
Total other charges	40.51
Total Renewal Fee 1 year driver licence	62.59

Cost of 3 year licence	£
Administrative cost of grant & issue of licence	72.07
Total other charges	99.16
Total Grant Fee 3 year driver licence	171.23

Cost of 3 year licence renewal	£
Administrative cost of grant & issue of licence	22.83
Total other charges	99.16
Total Renewal Fee 3 year driver licence	121.99

4.12 The table below shows the existing fees compared with the proposed new fees rounded to the nearest pound to assist fee collection:

	Existing Fee	Proposed 1 Year Fee	Proposed 3 Year fee
Driver Grant	£93	£102	£171
Driver Renewal	£50	£63	£122
Disclosure and Barring Service Certificate external charge* subject to increase and applied to the above fee where required	£44		

As outlined in a previous report to Committee, the licensing budget overall has shown a deficit of income and Members were advised that work was underway to pinpoint the origin of the deficit for future fee setting. However, the implementation of the Deregulation Act 2015 requires fee setting to be brought forward on two specific licence types, private hire operators and taxi driver, but this deficit has not been included in the fee setting process for these licences.

The methodology of calculating fees is considered a robust method of meeting the guidance issued by the Local Government Association in respect of calculating locally set fees. The methodology has been applied to central support costs and data collected in 2014/2015. Fee setting processes have developed from recent case law together with guidance on elements that may be included in the calculations. Fee variations are therefore likely to occur year on year as a result of incorporating the guidelines as well as variations in central recharges and direct costs. However, as set out in the LGA guidance, to ensure that fees remain reasonable, it is necessary to establish a regular and robust review process to allow fine tuning of fees. As this is the first year of using the toolkit process, should a surplus or deficit accrue as part of the final outturn position for 2015/16, this will be taken into account when setting the fees in the next financial year.

4.13 Changes to Policy and Conditions

4.13.1 The Licensing Committee is requested to approve the following policy changes and procedures. Approval is sought to amend Section 8 of the current taxi licensing policy statement (Statement regarding the Relevance of

Convictions and Licensing of Ex-Offenders approved on 13 January 2012), as follows:

Current policy

- 8.2 Grant of Licence: Clear Criminal Records Bureau (CRB) Disclosure and no endorsements on DVLA driving licence;

Proposal

- 8.2 **Grant of Licence: Where all pre-licensing requirements have been met, and the applicant has a clear Disclosure and Barring Certificate and no endorsements on DVLA driving licence, a licence to drive hackney carriages and private hire vehicles will normally be granted for a period of three years.**

Current policy

- 8.3 Renewal of Licence: No further cautions, criminal or civil convictions, motoring offences or complaints since the last renewal with a maximum of three penalty points on DVLA driving licence since last renewal. Where an applicant has accrued three penalty points since the last renewal, cases will normally only be referred to a Licensing Sub-Committee where the applicant has not remained free of conviction for a period of five years.

Proposed policy

- 8.3 Renewal of Licence: No further cautions, criminal convictions, civil matters, motoring offences or complaints since the last renewal with a maximum of three penalty points on DVLA driving licence since last renewal. Where an applicant has accrued three penalty points since the last renewal, cases will normally only be referred to a Licensing Sub-Committee where the applicant has not remained free of conviction for a period of five years.

Applications determined under the Scheme of Delegation to Officers will normally be granted for a period of three years or for such lesser period as is required/requested to align the Disclosure and Barring Certificate re-check with the expiry date.

- 4.13.2 That the following additional conditions are introduced in respect of driver licences as follows:

Upon the grant or renewal of a licence where a medical certificate expires during the period of the licence, the licensee shall submit the approved medical certificate to the Council no later than the due date specified in the written notice issued seeking production of the certificate.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The Committee's powers to set fees are outlined within the Council's Constitution.

6. Equality Impact Assessment

A high level equality impact assessment (EIA) was undertaken on the Council's budget proposals and updated MTFs and reported to Council on 25 February 2015.

7. Financial Implications.

- 7.1 On 19 March 2015 the Licensing Committee resolved that there should be no increase in licence fees for 2015/16 pending an annual review of fees. However, it is necessary to set fees for Hackney Carriage and Private Hire Vehicle Driver Licences as a result of the implementation of the Deregulation Act 2015. Should a surplus or deficit accrue as part of the final outturn position for 2015/16, this will be taken into account when setting the fees in the next financial year.

8. Recommendation.

- 8.1 That the Committee approves the proposed licence fees outlined in this Report with an implementation date of 1st October 2015.
- 8.2 That the Committee approves 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 above.

P A Jolley

Assistant Chief Executive Legal and Regulatory Services

23 September 2015

Contact Officer: Yvonne Witchell
Licensing and Registration Officer

Telephone: (01656) 643105

E-mail: Yvonne.Witchell@bridgend.gov.uk

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

Background documents:

Open for Business; Local Government Association Guidance on locally set fees

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

29 SEPTEMBER 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

DEREGULATION ACT 2015 PRIVATE HIRE VEHICLE OPERATOR FEES

1. Purpose of Report.

1. The purpose of this Report is to recommend new licence fees for private hire operators to reflect a change to the duration of a licence being brought into effect by the Deregulation Act 2015.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 The duties of the Council as a licensing authority are statutory in nature but many of the licensing objectives support the principal aims of the Corporate Improvement Plan and the Council's corporate priorities.

3. Background.

- 3.1 The Deregulation Act 2015 amends the section of the Local Government (Miscellaneous Provisions) Act 1976 that sets out the duration of licences for operators of private hire vehicles.
- 3.2 The present practice in Bridgend County Borough is to grant these licences for a period of one year only.
- 3.3 The amendments made by the Deregulation Act establish a standard duration for a private hire operator's licence of 5 years. A licence may be granted for a shorter period where there is a justifiable reason. This reason would be related to the circumstances of an individual case. The commencement date for these measures is 1st October 2015.
- 3.4 Section 70 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to charge fees in respect of private hire operators' licences. The Council must set the fees for these licences on the basis that it only recovers costs which it is entitled statutorily to recover.
- 3.5 The Act, states that the fee for operators' licences shall not exceed £25 or such other sum as the Council may from time to time determine but was

originally set in 1976 and should therefore reflect the current costs.

- 3.6 Case law has established that when the Council makes a surplus in respect of licence fees it should give account for that the next time that the fees are set; and if it incurs a deficit it may also take that into account. The calculations in respect of each type of licence issued by the Council should be kept separate.
- 3.7 When the Council proposes to set new fees for operators' licences it is required by Section 70 of the 1976 Act to publish notice of the proposed variation in a local newspaper stating that objections may be made within a period of not less than 28 days. If objections are received and not withdrawn the Council must consider them and set a further date on which the variation shall come into force with or without modifications

4. Current situation / proposal.

- 4.1 Although the legislation states that an operator's licence should be granted for 5 years there may be circumstances in which it may be appropriate to grant a licence for a shorter period. Whilst each case will be dealt with on its merits, proposed fees for both a 1 year licence and 5 year licence have been calculated for approval.
- 4.2 Fees have been calculated using a software toolkit developed by the Wales Licensing Expert Panel.
- 4.3 The total general expenditure applicable to the service (central recharges and direct costs) in 2014/2015 (£69,713) is divided amongst each member of staff (7 in total) to give an hourly rate as follows:
- Licensing Officer £41.08
Senior Licensing Assistant £35.29
Licensing Assistant £27.03
Licensing Enforcement Officer £32.98
- 4.4 Officer time spent on administrative tasks relating to this licence type have also been assessed and applied to the licence fee. These include telephone enquiries, banking and receipting, and general administration costs which are apportioned across relevant applications received during the period (26).
- 4.5 The process steps involved in the grant and renewal of a private hire operator licence have also been assessed together with the cost of an annual officer visit.
- 4.6 A breakdown of the costs of administration and other charges is as follows:

Cost of 1 year licence grant	£
Administrative cost of grant & issue of licence	85.57
Total other charges	29.69
Total Grant Fee 1 year operator licence	115.26

Cost of 1 year licence renewal	£
Administrative cost of grant & issue of licence	67.65
Total other charges	29.69
Total Renewal Fee 1 year operator licence	97.34

Cost of 5 year licence grant	£
Administrative cost of grant & issue of licence	283.47
Total other charges	89.07
Total Grant Fee 5 year operator licence	372.54

Cost of 5 year licence renewal	£
Administrative cost of grant & issue of licence	259.18
Total other charges	89.07
Total Renewal Fee 5 year operator licence	348.25

4.7 The table below shows the existing fees compared with the proposed new fees rounded to the nearest pound to assist fee collection:

	Existing Fee	Proposed 1 Year Fee	Proposed 5 Year fee
PH Operator Grant	£174	£115	£373
PH Operator Renewal	£174	£97	£348

As outlined in a previous report to Committee, the licensing budget overall has shown a deficit of income and Members were advised that work was underway to pinpoint the origin of the deficit for future fee setting. However, the implementation of the Deregulation Act 2015 requires fee setting to be brought forward on two specific licence types, private hire operators and taxi driver, but this deficit has not been included in the fee setting process for these licences.

The methodology of calculating fees is considered a robust method of meeting the guidance issued by the Local Government Association in respect of calculating locally set fees. The methodology has been applied to central support costs and data collected in 2014/2015. Fee setting processes have developed from recent case law together with guidance on elements that may be included in the calculations. Fee variations are therefore likely to occur year on year as a result of incorporating the guidelines as well as variations in central recharges and direct costs. However, as set out in the LGA guidance, to ensure that fees remain reasonable, it is necessary to establish a regular and robust review process to allow fine tuning of fees. As this is the first year

of using the toolkit process, should a surplus or deficit accrue as part of the final outturn position for 2015/16, this will be taken into account when setting the fees in the next financial year.

- 4.8 It will also be necessary to amend the standard condition of 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.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The Committee's powers to set fees are outlined within the Council's Constitution.

6. Equality Impact Assessment

A high level equality impact assessment (EIA) was undertaken on the Council's budget proposals and updated MTFs and reported to Council on 25 February 2015. In line with the Equalities Scheme we will consider the outcome of the consultation on this issue and consider any adverse impacts that may develop.

7. Financial Implications.

- 7.1 On 19 March 2015 the Licensing Committee resolved that there should be no increase in licence fees for 2015/16 pending an annual review of fees. However, it is necessary to set fees for Private Hire Operator licences as a result of the implementation of the Deregulation Act 2015. Should a surplus or deficit accrue as part of the final outturn position for 2015/16, this will be taken into account when setting the fees in the next financial year.

8. Recommendation.

- 8.1 That the Committee approves the proposed licence fees outlined in this Report with an implementation date of 1st October 2015.
- 8.2 That the Committee authorise the Licensing Officer to carry out the necessary public notice consultation procedure on behalf of the Assistant Chief Executive Legal and Regulatory Services.
- 8.3 If objections are received within 28 days of the publication of the notice of the proposed changes to the fees, the matter must come back before the next appropriate Committee meeting so that any such objections can be

considered, modifications be considered, and a new date for the introduction of the variations can be set.

- 8.4 That the relevant condition of licence relating to duration is amended as outlined in paragraph 4.8 above.

P A Jolley
Assistant Chief Executive Legal and Regulatory Services
23 September 2015

Contact Officer: Yvonne Witchell
Licensing Officer

Telephone: (01656) 642105

E-mail: Yvonne.Witchell@bridgend.gov.uk

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

Background documents:

Open for Business Local Government Association Guidance on locally set fees

This page is intentionally left blank

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO LICENSING COMMITTEE

29 SEPTEMBER 2015

REPORT OF THE ASSISTANT CHIEF EXECUTIVE LEGAL AND REGULATORY SERVICES

GAMBLING ACT 2005

CONSULTATION ON DRAFT STATEMENT OF LICENSING POLICY 2016-2019

1. Purpose of Report.

- 1.1 To seek approval from the Committee to commence the statutory consultation process for the publication of a Statement of Licensing Policy in relation to gambling.

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 Council is a licensing authority for the purposes of regulating gambling premises in its area. 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 Council must undertake a statutory consultation exercise.
- 3.2 The consultation process is prescribed by legislation and involves 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 includes 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.
- 3.3 For information, the Gambling Act 2005 gives the Council as a licensing authority, a number of important regulatory functions in relation to gambling. The Council's main functions are 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; and
- Register small societies' lotteries.

The Act contains three licensing objectives which underpin the functions that the Council performs. These objectives are central to the Act. They 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; and
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

3.4 The authority cannot take into account other considerations such as moral or ethical objections to gambling and local authorities are not involved in the licensing of remote gambling at all, and this activity is regulated by the Gambling Commission through operator licences.

4. Current situation / proposal.

4.1 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 some functions in relation to lower stake gaming machines in clubs rests with local authorities

4.2 Bridgend County Borough Council is therefore responsible for dealing with applications for premises licences and permits as well as ensuring compliance with the Gambling Act at a local level.

4.3 As part of the preparation for this consultation, an informal review of current premises and complaints has been undertaken. This is the current profile;

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. These groups must be non-commercial and established for charitable purposes of for the for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity. Proceeds must not exceed £20,000 for a single draw and the society must not have aggregate proceeds from lotteries in excess of £250,000 in any one year.

During the last three year period since the last policy was published, the authority has received 7 complaints* relating to gambling premises:

- 5 of the complaints related to allegations of machines sited in unlicensed premises such as takeaways and local shops. Some of these involved assessing whether the machines sited were Skills with Prizes machines which do not require a permit and Gaming Machines which do.
- 1 complaint related to an alleged faulty Category D machine which was not substantiated
- 1 complaint related to children allegedly playing Category B machines in a registered members' club which could not be substantiated

*analysis carried out against Trading Standards, Public Protection and Licensing complaints databases

4.4 In carrying out its functions under the Act a licensing authority must have regard to the statutory Guidance issued by the Gambling Commission. In relation to premises licensing, the Council can only consider matters within the scope of this 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:

4.5 The Commission stresses that 'Must have regard to' does not mean that the licensing authority must always follow the Guidance to the letter; however, the expectation is that there should be strong and defensible reasons for departing from it. 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 the location of premises.

- 4.6 No area based or premises based concerns emerged following the review, and therefore, the policy has been largely updated to reflect updates to the Gambling Commission statutory guidance. The key points highlighted are at Section 3 of the draft policy statement and reflect the changes to the Licence Conditions and Code of Practice issued (LCCP) by the Gambling Commission, which strengthen the Social Responsibility Code, and require operators to complete risk assessments which identify the local risks posed to the licensing objectives by the provision of gambling facilities. In addition, operators must have policies, procedures and control measures in place to mitigate those risks.

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 None

8. Recommendation.

- 8.1
1. To note the Report.
 2. Give approval to consult.
 3. Note that a further report will go to Council after the consultation exercise.

P A Jolley
Assistant Chief Executive Legal and Regulatory Services

23 September 2015

Contact Officer: **Yvonne Witchell**
Licensing and Registration Officer

Telephone: (01656) 643105

E-mail: Yvonne.Witchell@bridgend.gov.uk

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

Background documents

Statutory Guidance, codes of practice and social responsibility code documents available from the Gambling Commission at www.gamblingcommission.gov.uk

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
Bridgend County Borough Council
Level Four Civic Offices
Angel Street, Bridgend, CF31 4WB

licensing@bridgend.gov.uk

Telephone: 01656 643294

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	
CONSIDERATION OF APPLICATIONS	
PRINCIPLES GOVERNING THE CONSIDERATION OF SPECIFIC CLASSES OF PREMISES OR PERMIT	
PERMITS / TEMPORARY & OCCASIONAL USE NOTICES	
DECISION MAKING AND DELEGATION OF FUNCTIONS	
RIGHTS OF APPEAL AND JUDICIAL REVIEW	

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 at all, 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

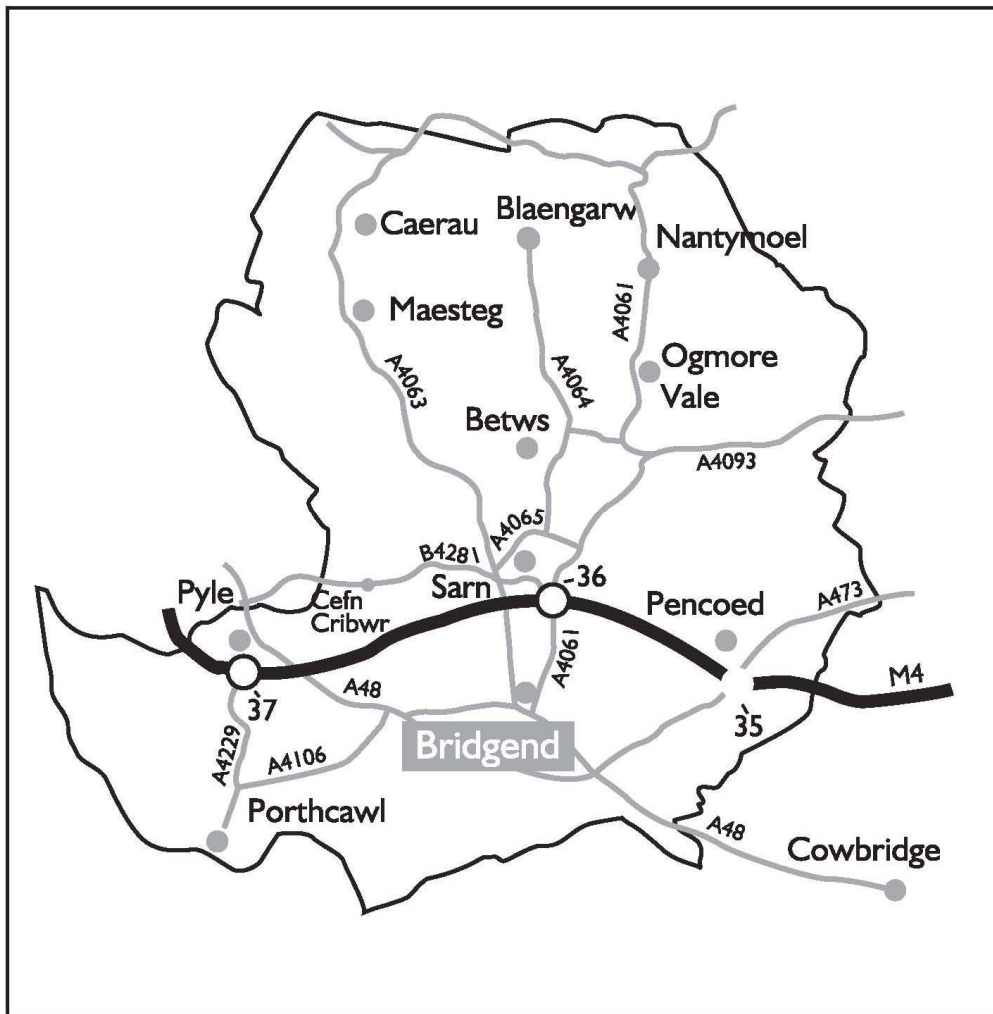
With its Bristol Channel coastline and mix of urban and rural communities, the County Borough lies at the geographical heart of South Wales and has a population of about 133,000. Its land area of 28,500 hectares stretches 20km from east to west and occupies the Llynfi, Garw and Ogmere valleys. The largest 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: has adopted the following strategic themes which are likely to come into effect during the course of the consultation. 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.
TEL: 01656 643643 FAX: 01656 668126

Crown copyright. All rights reserved (Bridgend County Borough Council
Licence Number 100023405, 2006).

BS58D/BRZ

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. These groups must be non-commercial and established for charitable purposes of for the for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity. Proceeds must not exceed £20,000 for a single draw and the society must not have aggregate proceeds from lotteries in excess of £250,000 in any one year.

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

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

Bridgend County Borough Council Children's Directorate Safeguarding and Family Support Level 4, Civic Offices, Angel Street, Bridgend CF31 4WB	Health and Safety Executive 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
***** and *****

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 the relevance of location, the licensing authority will consider very carefully the following factors when considering applications for premises licences, permits and other permissions:

- The proximity to schools and youth clubs or other centres for the education, training and care of young and or vulnerable persons
- The proximity to leisure centres used for sporting or similar activities by young and or vulnerable persons
- The proximity of premises to recognised community, welfare, health and similar establishments used specifically or to a large degree by young and or vulnerable persons.
- The proximity of premises to places of worship and particularly those where youth groups meet

2.4.3 It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

2.4.4 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.

2.4.5 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.

2.4.6 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 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.

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 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
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, clinics or help centres

Other factors that may be considered include matters of faith including the proximity of the premises to places of worship

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		Where representations	Where no

gaming /club machine permits		have been received and not withdrawn	representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	
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

This page is intentionally left blank