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Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

Bridgend County Borough Council



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*Rydym yn croesawu gohebiaeth yn Gymraeg.
Rhowch wybod i ni os mai Cymraeg yw eich
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*We welcome correspondence in Welsh. Please
let us know if your language choice is Welsh.*



Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate

Deialu uniongyrchol / Direct line /: 01656 643148 / 643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

Dyddiad/Date: Thursday, 9 December 2021

Dear Councillor,

COUNCIL

A meeting of the Council will be held remotely - via Microsoft Teams on **Wednesday, 15 December 2021 at 15:00.**

AGENDA

1. Apologies for absence
To receive apologies for absence from Members.
2. Declarations of Interest
To receive declarations of personal and prejudicial interest from Members/Officers in accordance with the Members' Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 22
To receive for approval the minutes of 17/11/2021
4. To receive announcements from:
(i) Mayor (or person presiding)
(ii) Members of the Cabinet
(iii) Chief Executive
5. To receive announcements by the Leader
6. Gambling Act 2005 Statement of Licensing Principles 2022-2025 23 - 70
7. Presentation by Cwm Taf Morgannwg University Health Board and Programme of Future Presentations to Council 71 - 72
8. To receive the following Question from: Councillor T Thomas to the Cabinet Member Communities
What percentage of local roads and highways are unadopted?
9. Urgent Items
To consider any item(s) of business in respect of which notice has been given in

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accordance with Part 4 (paragraph 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.

Note: Please note: Due to the current requirement for social distancing this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact cabinet_committee@bridgend.gov.uk or tel. 01656 643147 / 643148.

Yours faithfully

K Watson

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

S Aspey
SE Baldwin
TH Beedle
JPD Blundell
NA Burnett
MC Clarke
N Clarke
RJ Collins
HJ David
P Davies
PA Davies
SK Dendy
DK Edwards
J Gebbie
T Giffard
RM Granville
CA Green
DG Howells

Councillors

M Hughes
A Hussain
RM James
B Jones
M Jones
MJ Kearn
DRW Lewis
JE Lewis
JR McCarthy
D Patel
RL Penhale-Thomas
AA Pucella
JC Radcliffe
KL Rowlands
B Sedgebeer
RMI Shaw
CE Smith
SG Smith

Councillors

JC Spanswick
RME Stirman
G Thomas
T Thomas
JH Tildesley MBE
E Venables
SR Vidal
MC Voisey
LM Walters
KJ Watts
CA Webster
DBF White
A Williams
AJ Williams
HM Williams
JE Williams
RE Young

COUNCIL - WEDNESDAY, 17 NOVEMBER 2021

MINUTES OF A MEETING OF THE COUNCIL HELD REMOTELY - VIA MICROSOFT TEAMS
ON WEDNESDAY, 17 NOVEMBER 2021 AT 15:00

Present

Councillor J Spanswick – Chairperson

S Aspey	SE Baldwin	TH Beedle	JPD Blundell
NA Burnett	MC Clarke	N Clarke	RJ Collins
HJ David	P Davies	PA Davies	DK Edwards
J Gebbie	RM Granville	CA Green	DG Howells
M Hughes	A Hussain	B Jones	M Jones
MJ Kearns	DRW Lewis	JE Lewis	JR McCarthy
D Patel	RL Penhale- Thomas	AA Pucella	JC Radcliffe
KL Rowlands	B Sedgebeer	RMI Shaw	CE Smith
G Thomas	T Thomas	MC Voisey	LM Walters
KJ Watts	DBF White	A Williams	AJ Williams
HM Williams	JE Williams	RE Young	

Apologies for Absence

SK Dendy, T Giffard, RM James, SG Smith, RME Stirman, JH Tildesley MBE, E Venables, SR Vidal and CA Webster

Officers:

Julie Ellams	Democratic Services Officer - Committees
Mark Galvin	Interim Democratic Services Manager
Lindsay Harvey	Corporate Director Education and Family Support
Gill Lewis	Interim Chief Officer – Finance, Performance and Change
Janine Nightingale	Corporate Director - Communities
Michael Pitman	Democratic Services Officer - Committees
Mark Shephard	Chief Executive
Kelly Watson	Chief Officer Legal, HR and Regulatory Services

596. DECLARATIONS OF INTEREST

None.

597. APPROVAL OF MINUTES

RESOLVED: That the Minutes of a meeting of Council dated 21 October 2021, be approved as a true and accurate record.

598. TO RECEIVE ANNOUNCEMENTS FROM:

Mayor

The past month has been relatively quiet, but I am sure that will not be the case leading up to Christmas over the next few weeks. Please don't forget that this week is the last chance to grab a ticket for the Charity Fundraising evening taking place on Sat 27 November 2021 at the Heronston Hotel with a buffet, comedy stage hypnotist and music by Lee Jukes of Bridge FM and all are welcome.

In addition to this, there is a grand Christmas raffle taking place with a 1st prize of £200 cash and around 20 other prizes with the draw taking place on Wednesday 15 December 2021 after the next Council meeting. If you would like any tickets at £2.00 each, please just drop me a message and arrangements can be made to secure your tickets. All proceeds from these events will be going to Lads & Dads and Bridgend Carers Centre.

Over the past month I had the pleasure of being invited to the opening of Bridgend College STEAM Academy at their Pencoed campus. This is science, technology, engineering, arts and mathematics and it was amazing to see the facilities being made available to students across these disciplines and well done to Bridgend College for bringing such an amazing facility to the county borough.

At the end of October, I opened the Lions Club of Bridgend Book Fair at Westward Community Centre and came away with a heavy load of books. The Lions have raised in excess of £180,000 since this first started in 1995 and it was great to hear about the partnership, they have now formed with the volunteer management committee of Westward Community Centre ably helped by our very own Councillor David White.

Following on from this I was invited to the opening of what is I believe Bridgend first mobile veterinary service based in Aberkenfig. Mobivet has been set up in what was previously a furniture shop and has been transformed into a modern well equipped veterinary surgery with equipment to rival that seen in any hospital. This is such a welcome service where they are available 24 /7 to call out to your home and will surely be of use to people who cannot easily travel to a vet or they would prefer their pet to be seen in the comfort of their home.

Last week I was pleased to be invited to an open-air performance by Brynteg Comprehensive School in Bridgend Town centre and was accompanied by Councillor Dhanisha Patel. They performed their own short and adapted version of Hansel & Gretel and it was great to see the whole year group there as well singing along to the performance with a great crowd of people watching as well. More of this for the town centre would be welcomed.

This past weekend I visited Tremains Wood along with the Leader and Councillor Stuart Baldwin to congratulate Tremains Woodland Rangers on achieving a Green Flag award for the work they have been doing over the past few years, protecting and enhancing this ancient woodland which has trees that are believed to be in excess of 400 years old and sits within the centre of Brackla.

On Remembrance Sunday I was honoured and privileged to be at the Bridgend Town Centre parade and laid a wreath on behalf of the people of the County Borough of Bridgend. The weather was fine and among the many veterans and service people marching, there was also a small group of people there wearing their orange hats. This was the Lads & Dads representation who for the first time since they were formed just over 2 years ago, decided to lay a poppy wreath at the Cenotaph. Poppy wreaths were laid at services across the County Borough by fellow Councillors and many thanks to all who participated in this day.

Finally, nominations are now open for the Mayoral Citizenship Awards and forms to nominate anyone in the community for one of these, were available on the BCBC web site.

I now have some Committee meeting changes to announce:

COUNCIL - WEDNESDAY, 17 NOVEMBER 2021

The following Overview and Scrutiny Committee meeting dates will be altered, to accord with the timing of the Welsh Government budget settlement to local authorities. This has been agreed with the respective Committee Chairpersons:

SOSC 1 – change from 8 Dec to 20 Jan at 9.30am;
SOSC 2 – change from 13 Dec to 21 Jan at 9.30am;
SOSC 3 – change from 16 Dec to 24 Jan at 9.30am;

The meeting of SOSC 1 on 17 Jan will need to be cancelled in order to accommodate the above and wider work pressures in the Democratic Services team.

Further meetings of the following will also be required to be scheduled, again to deliberate the MTFS:

COSC 19 January at 9.30am
COSC 1 Feb at 9.30am (to receive Recommendations on Budget Proposals / MTFS from Scrutiny and BREP).

The rescheduling of the above meetings, will necessitate moving:

Development Control Cttee dated 20 January to 27 January 2022
Governance & Audit Cttee dated 27 January to 28 January 2022

The Chairpersons of these Committees are also in agreement with the rescheduling of these meetings

There is also a change of membership proposed on the Governance and Audit Committee, in that the Independent Alliance group wish to take off Councillor Elaine Venables and replace with Councillor Mike Clarke. This does not affect the political balance on this or any other Council Committees.

Deputy Leader

Plans for a new strategic employment site at Brocastle have moved a step closer following the completion of major infrastructure works.

Welsh Government has invested more than £10 million into the 116-acre site, which has outline planning consent in place for up to 770,000 square feet of floor space.

Key roads and utilities are now in place and can serve up to nine plots where modern businesses can be developed to aid economic growth and job creation.

An active travel route is also planned for spring, again funded by Welsh Government, and enquiries have already been received from various property developers and owner occupiers.

This is excellent news for the county borough, and I hope that it will lead to the creation of many new jobs.

Cabinet Member – Communities

Public consultation is underway on what could prove to be the single biggest highways infrastructure project carried out so far in Bridgend County Borough.

Between now and Sunday 30 January next year, we are asking people for their views on ambitious £17m plans to address long-standing traffic congestion issues in Pencoed.

These proposals aim to ease the town's congestion problems, increase safety and deliver new improvements for residents and businesses alike by separating the road from the railway line.

If approved, the plans will enable the eventual closure of Pencoed's level railway crossing by rebuilding the Penprysg road bridge so that it can accommodate two-way traffic, and creating a safe, all-new active travel bridge over the line for pedestrians and cyclists.

This will then unlock potential development land located to the west of the current level crossing and enable fresh investment and facilities to be introduced.

We are carrying out a number of drop-in sessions where members of the public can find out more and ask questions, and the consultation survey is available in a range of different formats.

Full details on these exciting proposals are available at the council website.

Cabinet Member – Social Services and Early Help

This week marks National Safeguarding Week 2021, and Bridgend County Borough Council is joining with other organisations across Wales as part of a national campaign.

Under the theme of 'Safeguarding our Communities', a number of virtual sessions are taking place ranging from training sessions for professionals, youth council debates, public workshops, awareness raising events and more.

Each session will discuss a range of issues affecting children, young people and adults including domestic abuse, mental health, suicide prevention, child sexual abuse and exploitation.

Our communities have faced many difficulties during the Covid-19 pandemic, and we are encouraging residents to take advantage of these virtual events to learn more about the services and support that is available.

Full details are available at the Cwm Taf Morgannwg Safeguarding Board website.

Cabinet Member – Future Generations and Wellbeing

I would like to briefly mention two things. Firstly, Members should be aware that our housing options service is still under considerable demand as a result of the Covid pandemic,

In practice, this has resulted in considerably higher numbers of applications being made to the service, which in turn has impacted upon the timescales for processing and reaching decisions on applications.

To give you an idea of the current demand, the service is currently receiving approximately 350 applications every month.

There are also up to 40 additional homeless applications which, due to their often complex nature, are resource intensive.

While the department is doing all it can to manage this demand, the increase does mean there is an inevitable knock-on effect, and we are making every effort to support the service and manage expectations in an efficient and realistic manner.

On more positive news, I would like to congratulate the Shared Regulatory Service after they won Gold, Silver and Bronze awards at the 2021 RSPCA PawPrints initiative.

This is Designed to recognise achievements in stray dog services, contingency planning, housing policy, animal activity licensing and kennelled dog welfare, the SRS were recognised in three different categories – Stray Dogs, Animal Activity Licensing and Kennelled Dogs.

You may recall that the service also received gold, silver and bronze awards in 2019, so to do so again despite the challenges of the coronavirus pandemic over the last 18 months is something they should feel rightly proud of.

Cabinet Member – Education and Regeneration

There have been a number of achievements at local schools recently which I would like to share with members.

Pencoed Primary has become the third school in South Wales to receive Reference School status from the online technology company.

The accolade, which is awarded to individual schools and colleges as well as specific regions, recognises the outstanding use of educational technology within the classroom.

Meanwhile, Afon-y-Felin Primary School has become the first primary school in the Cwm Taf region to win the Cymraeg Campus Gold Award for their commitment to the Welsh language. The Leader and myself will visit the school soon to personally congratulate teachers and pupils.

The school's success is also set to be featured on national television after S4C spent the afternoon filming with staff and pupils for the daily magazine programme, Heno.

In Maesteg, Plasnewydd Primary has been removed from special measures after inspectors from Estyn confirmed that the school has made significant improvements since issues requiring addressing were identified in 2018.

Following intensive support from Bridgend County Borough Council and the Central South Consortium, Estyn has confirmed that a broad base is now in place upon which the school can make further improvements. Some similar news will follow with one of our other schools, before very long.

Finally, Coychurch Primary teacher Melanie Treadwell has taken part in an event organised by the Office for Climate Education which preceded the COP26 conference.

Melanie was one of only three UK-based teachers chosen to make a presentation on leading the way in Climate Education, and the only primary school teacher to do so. As a result, ITV Wales recently visited Coychurch Primary to film some of the good work that is taking place there.

I am sure that members will want to join me in offering all the above our congratulations.

Chief Executive

Members may have seen that Bridgend County Borough has been selected as one of four areas in Wales where new, flexible ways of voting are to be piloted. The others are Torfaen, Caerphilly and Blaenau Gwent/

These trials have been organised by Welsh Government and will coincide with the local government elections scheduled for May next year.

They are designed to find ways of making it easier and more convenient for people to vote and will each test out a different way of enabling residents to cast their ballots.

Welsh Government has now agreed further details about what we can expect to see, so I thought I might share some of that with you now.

Two pilot schemes will be running in Bridgend County Borough, the first focusing on Cynffig Comprehensive.

Following last year's lowering of the voting age to 16, a new polling station will be created within the school so that eligible pupils can cast their votes in the days ahead of the main election day.

The second scheme will focus on wards where people have previously voted in low numbers and will see 20 existing polling stations opening for early voting in the week running up to the election.

Details are still being finalised, but they are expected to be located in Brackla East and Coychurch Lower, Brackla East Central, Brackla West, Brackla West Central, Cornelly, Pyle, Kenfig Hill and Cefn Cribwr, St Brides Minor and Ynysawdre.

Concurrently there will be a promotion campaign led by WG with the aim of increasing voting through engagement with the public and increased campaigning.

All of the findings and evidence gathered from the pilot schemes will be analysed by Welsh Government and will ultimately influence how future elections are carried out throughout Wales.

We will be fully publicising what this means for eligible voters and how they can take part and more details will be provided as we draw closer to the election.

599. TO RECEIVE ANNOUNCEMENTS BY THE LEADER

Modern multi-storey car parking at Hillsboro Place, a luxury waterfront hotel, landscaping and pedestrianisation along the Eastern Promenade, improved public transport, the extension of Dock Street and new community spaces, are just some of the proposals that feature in Bridgend County Borough Council's new 'placemaking' consultation.

Organised in line with the Placemaking Wales Charter, the consultation is inviting businesses and residents in Porthcawl to give their views on the proposals either online, or by visiting drop-in sessions where they will be able to view exhibition boards and speak to regeneration officers.

The drop-in sessions will take place at the Grand Pavilion between 9am-5pm on Wednesday 24 November, and 9am-8pm on Thursday 25 November.

Following this, the exhibition boards will be placed on hoardings at Cosy Corner for three weeks, and the Council's website will feature more details and a short survey to enable people to provide further feedback.

We remain extremely ambitious for these plans, and want them to deliver realistic, sustainable regeneration in Porthcawl.

I hope that Members will help to promote this important consultation and also encourage people to take part and have their say.

UK Government has confirmed which projects have been approved to receive funding from the new Community Renewal Fund in Bridgend County Borough.

This is the precursor to the Shared Prosperity Fund, which will be launched next year as a replacement for EU structural grant funding.

A total of £46m has been allocated to projects across Wales, and Bridgend County Borough will receive £785,000 of this.

£213,000 will go to Enterprise Bridgend, an initiative which helps people who have been furloughed or who may be economically inactive to find new employment.

£200,000 has been allocated to The Life You Want, which supports people who want to develop and improve their skills or undertake new training in order to gain new work and improve their lives.

Transforming Young Minds for Tomorrow will receive £86,800 to encourage more pupils to consider careers in manufacturing and engineering, while Bridgend Elevate and Prosper will benefit from £125,000 to support new business start-ups.

The Incubator for Ambitious Entrepreneurs programme is aimed at helping female entrepreneurs to develop trusted business networks and will receive £92,700.

A further £56,700 has been allocated to Connecting Teachers with Industry, which enables local teachers to encourage pupils who want careers in creative, digital, environment and advanced materials and manufacturing sectors.

Bridgend will also benefit from a further bid submitted by Torfaen Council on behalf of the 10 local authorities working together through the Cardiff Capital Region – a Connect, Engage, Listen, Transform project, designed to add further value to the council's existing Employability Bridgend programme.

These are all very worth-while projects that will have a positive impact upon the lives of local people and I welcome investment from UK Government towards these.

However, it remains a matter of serious concern that Bridgend County Borough has not been included within the top 100 priority places marked for support through the forthcoming Shared Prosperity Fund.

We have been recognised as having some of the poorest communities in Wales, and I find myself once more calling upon UK Government to reconsider its decision.

600. **PRESENTATION BY THE POLICE AND CRIME COMMISSIONER AND CHIEF CONSTABLE OF SOUTH WALES POLICE AND PROGRAMME OF PRESENTATIONS TO FUTURE MEETINGS OF COUNCIL**

The Chief Executive presented the above report, part of which introduced the representatives present from the South Wales Police.

The Mayor introduced the Police and Crime Commissioner Alun Michael and DCC Jenny Gilmer to speak on policing covering the 3 basic Command Units and 7 Police Authorities that covered the area of South Wales.

He began his submission, by explaining how hard the last 18 months had been for the Police due to the Covid-19 pandemic, which had also affected other large scale organisations, such as the Health Service and local authorities such as BCBC. The situation was also still ongoing, he added.

During this time however, he assured that the South Wales Police had still maintained a clear focus on its priorities, with local delivery of services and support still being at the heart of the Police and Crime Delivery Plan, the detail of which had previously been shared with local Councillors.

The likes of the NHS and Social Care services had been left 'reeling' as well as the Police he added, with the Police facing some massive demands during the above period. He confirmed that during the first lockdown, crime had reduced but as society began to re-open, levels had once more increased to as they had been previously and even above that level.

Today's discussion he advised, would look at neighbourhood policing, the role of PCSO's, responsiveness to 999 and 101 calls, crime levels, violence against females and community and neighbourhood safety. He was pleased to advise Council, that Welsh Government had funded 100 extra PCSO's across Wales, with 41 of these covering South Wales. Neighbourhood teams also supported these Officers, confirmed the Police Commissioner.

With levels of work starting to increase and at times, to an unprecedented demand, the Police had previously looked at ways where they could be contacted other than by 999 or 101 calls. They had therefore added to these methods of contact also, through email and a new single on-line social media system.

The Police and Crime Commissioner advised that in July 2021 there had been a peak in demand in terms of 999 calls, ie 18,000 which had slightly reduced at the present time. 99% of these were responded to very quickly. Calls made by 101 were not classed as emergency, however, these were also responded to by the Police as quickly as possible. These had also peaked last July, he further added. The latest statistics in terms of 101 calls, reflected that 85% of these were responded to as soon as possible after they were made.

Most of the calls were dealt with by the Control Room initially, with the most urgent calls responded to quickly by a police presence visiting the caller/their location in person.

As was probably expected, crime levels had fallen during the period where there had been complete lockdown, as there was no night time economy and only essential retail food outlets were open. But certain serious acts of crime, such as for example, drug dealing levels did not reduce in number. Contrary to many people's belief also, in the County Borough of Bridgend, incidents of domestic abuse or violence had surprisingly reduced. However, numbers of these had now started creeping up to normal levels and

above, sadly as had child abuse. Similarly, as the night time economy had opened back up, incidents of crime and anti-social behaviour had increased too back to previous levels or above the pre-Covid period.

There were also groups being introduced, such as 'Drink less, Enjoy more' and further training for late night premises Door Control staff to look out for vulnerable patrons who may be preyed upon by perpetrators.

The Police were also working with the Hospitality industry and joint Local Authority Enforcement Teams, to ensure prevention as well as enforcement of occurrences.

The Police and Crime Commissioner emphasised the fact that 999 calls were very much a drain on the Police resources, particularly on Friday and Saturday evenings. He added that the 101 service had never meant to be operated by the Police alone, as this was initially introduced as a joint service with other key organisations, for example the Fire Authority.

He advised that if any Members wished to view the Control Room at the Police headquarters that took the majority of calls, then that would be welcomed.

DCC Gilmer then proceeded by giving some information with regards to tackling violence against women and girls through:-

- Actively pursuing perpetrators and where appropriate, ensuring that they are prosecuted, sometimes resulting in a custodial sentence;
- The Safer Spaces initiative – including reporting to the Police anonymously and introducing a more safer night time economy environment (eg patrolling staff in establishments being alert to drink spiking and acts of crime and violence, etc);
- Improving trust and confidence in policing (including through important initiatives such as Black Lives Matter);
- The All Wales Taskforce (that feeds into the UK Taskforce)

She then shared some information with Members on Community Safety – Neighbourhood Policing activities, which targeted the likes of:

1. Partnership and togetherness
2. Re-aligning leadership to provide improved support to neighbourhood policing (eg through the provision of more PCSO's)
3. Explore problem solving jointly with key partners

The Police and Crime Commissioner advised that he had been one of the people who had introduced Community Safety Partnerships, as part of the Crime and Disorder Act 1998. This was introduced as a mechanism of support during austerity, at a time when public organisations such as the Police, Fire and local authorities were forced to make cutbacks in their finances and staffing complement.

There was in place a Safer Communities Board that assisted in co-ordinating safer communities across all the 4 Police Authorities in South Wales, that looked at preventing crime and harm to people, so as to enhance community safety.

He explained that the PCSO's had reduced in number in the last 18 months, in that they had been seconded to cover essential other work that had increased due to Covid-19. However, these were slowly returning to their substantive role, as they were seen as key in that they had knowledge of issues and problems within the local communities in the areas they served and therefore had a head start on being aware of these and of the

steps required to resolve these. PCSO's also had a key relationship with local Members in the areas they served.

The Mayor then opened up debate, by asking Members whether they had any questions of the Invitees.

A Member asked how much time the Police spent while patrolling town centres, in terms of supporting and picking up members of the public, who may have been involved in a fight and injured or found on the street overly intoxicated, that should have by right been picked up by the ambulance service and taken to hospital. She was aware that this was sometimes the case as the Police were often in the vicinity, whilst the call-out for an ambulance often took a considerable amount of time. Cases of this she felt, must impact on police resources.

The Police and Crime Commissioner advised that this did sometimes occur and it was something that had been raised by Welsh Government as an area of concern. It was a bit of a vicious circle he added, in that the Health Service as well as the Police were under a tremendous amount of pressure, particularly since the inception of the pandemic and a considerable amount of ambulances and staff were often required as back-up outside hospitals and other essential care service establishments. It was a very difficult situation to resolve all round, he felt.

DCC Gilmer added, that often the Police arrived quicker than an ambulance would to provide support to people in situations such as those mentioned above, due to having received a 999 call which are acted upon urgently. With winter months still yet to come and a possible rise in Covid cases, she felt that the current situation could get worse before it gets better.

A Member confirmed that he had been well informed that at any one time, only one Local Neighbourhood Police Officer was present 'on the streets' north and west of the County Borough. Though he was conscious of the presence also in local communities of PCSO's, he felt that this was inadequate and that the number should be increased in order to achieve more effective policing.

The Police and Crime Commissioner confirmed that he would look into this issue. He added however, that a lot of Police time and commitment was spent concentrating on reactive responses to 999 or 101 calls and other on the ground incidents, hence the difficulty placing Officers to patrol smaller community areas.

DCC Gilmer added, that neighbourhood policing was at its most effective when addressing individual problems raised by constituents to the Police, that were then fed down to PCSO's to deal with. Central Government had sanctioned an uplift which would increase Police support across England and Wales by the introduction of 20,000 more Officers. These however, would initially receive training and be subject to a significant level of abstractions in their 1st and 2nd year of employment, so the full effect of the increase in South Wales, would not be seen until after this time. Recruitment was presently ongoing here she added. DCC Gilmer further added, that it was not only about numbers of Police Officers patrolling in communities and town centres on foot, but more knowing what to do and being aware of the issues that require solving.

The Police and Crime Commissioner thought it was worth pointing out, that even with the extra 20,000 Officers as referred to by DCC Gilmer, this number was still below the level that there were back in 2010.

A member expressed some concerns over the pay freeze the Police had faced in recent times. She also felt that indicating direct reference to 'domestic violence against women', may give perpetrators some ammunition, with this being so specific.

The Police Crime and Commissioner felt that the pay freeze that had been experienced by the public sector during the last few years had been unfair. When this was relaxed, a significant offer in terms of a percentage increase should be offered, he added. The problem was, that the Police Authority itself would have to fit the bill then for any such enhanced pay increase.

With regard to the problem of domestic violence and abuse, this did not just relate to physical and violence, but also incidents of coercive control. The Police had been involved in a programme known as DRIVE, which had involved work that attempted to reform individuals who were prone to acts of violence etc. This had been piloted in Merthyr and Cardiff where it had proven to be successful. It had involved nearly all men, the Police Crime and Commissioner confirmed. Though the funding for this initiative had been exhausted, it had proven to be so successful and had reduced the demand on Police resources, it had been re-introduced across all 7 local authorities in Wales in 2020.

A Member raised a point regarding unauthorised parking and parking infringements often being committed by drivers of vehicles. He was aware that this was a matter for BCBC and its Enforcement Officers. However, he asked if PCSO's or Police Officers had any active role to play to deter such a problem.

The Police and Crime Commissioner advised that this was primarily a function of the local authority, though Police Officers could intervene if anyone parked their vehicles anywhere that could prove a danger to the public or other vehicle users. There was scope he added, for some degree of joint working between the two Authorities to reduce cases of this however.

A Member said that he could not overstate the importance of PCSO's in the community. He was concerned however, that when these individuals were trained and moved on perhaps through promotion, this would leave a void in terms of replacement Officers being provided.

The Police and Crime Commissioner assured the Councillor, that there would continue to be a significant turnover of PCSO's if they were for example, promoted to Police Officers. However, a significant amount of these Officers often remained in their role for reasons of job satisfaction, eg working in and supporting communities, as well as getting to know the residents who lived there.

A Member felt that there was a drain on police resources when a person may get arrested in Porthcawl and the support for this arrest comes from Bridgend. Back in 2020 in Llantwit major, four services were re-located in one building, ie the Police, Coastguard service, Fire Authority and the Ambulance service. Llantwit Major had 9,500 constituents. The Police, Fire and Ambulance stations in Porthcawl were all in relatively poor condition and Porthcawl had 16,000 residents. He asked in light of this, if a similar operation undertaken in Llantwit major could take place at Porthcawl.

The Police and Crime Commissioner confirmed that this is something that could be looked at in the future with the support of the partner organisations, both in Porthcawl and Maesteg.

The Leader closed the debate on this item, by thanking the representatives of the Police for attending the meeting, sharing some key information with Members and responding

to questions. He wished to place on record his thanks to Geraint White from the Police who was leaving Bridgend for a promotion, as he had provided a great deal of support to constituents while in post.

RESOLVED: That the report of the Chief Executive together with the presentation from the representatives of the South Wales Police be noted.

601. **BRIDGEND LOCAL DEVELOPMENT PLAN (LDP) - REVISED DELIVERY AGREEMENT**

The Corporate Director – Communities submitted a report, the purpose of which, was to advise Council of the necessity to revise the LDP Delivery Agreement (DA); to seek approval of the extension to the LDP Timetable and to the submission of the revised DA to Welsh Government for agreement.

The Strategic Planning Policy Team Leader, advised that DA was a mandatory requirement of the LDP process and considered to be a key tool for the speedier production of land use plans. It comprised of the following two elements:

- The Timetable – this sets out how the Council will manage the programme for preparing the LDP.
- The Community Involvement Scheme (CIS) – this sets out who, when and how the Council will consult and engage with various stakeholders, including the general public.

An extension to the timetable of the LDP was the subject of the report, he added.

Public consultation on the Council's Draft DA was undertaken during April and May 2018 and Council approved the document for submission to WG, which subsequently approved the initial final DA on the 25 June 2018.

WG advised all Local Planning Authorities that DA's should be adjusted to account for any necessary changes to the LDP timetable in light of delays caused by the pandemic.

As a result, the Council approved a revised DA on 16 September 2020, which was subsequently approved by WG on 5 October 2020.

Since that date, Bridgend County Borough Council had prepared the LDP Deposit Draft (LDPDD), which Cabinet approved for consultation on 18 May 2021. Public consultation was held for 8 weeks between 1 June and 27 July 2021.

Progress towards the next key stage of the replacement LDP, submission of the LDPDD to WG and the Planning Inspectorate, had been delayed and this was the subject of the necessary changes to the DA, set out in the next section of the report.

The Strategic Planning Policy Team Leader continued by stating, that Council now needed to prepare a new DA with WG following the LDPDD consultation. The reason for this, was that the LDP's supporting evidence base needed reviewing and refining as a result of the representations received from our communities and key stakeholders. In approving the Deposit Draft for consultation Council made a commitment to those communities. This was that the Authority would consider, formulating and publishing a response to each of the representations received to the LDPDD. The Council had been in receipt of over 1,200 representations, which proved to be a considerable administrative exercise.

In addition to responding to the individual representations, the LDP evidence base needs to be reviewed and refined as a result of new information coming to light, as a result of changes to legislation, updated national planning guidance and the completion of supporting technical information.

These strands of work were set out in paragraph 4.3 of the report and expanded upon for the benefit of Council, by the Strategic Planning Policy Team Leader.

The proposed extension to the Timetable was illustrated in Table 1 (paragraph 4.4 of the report) and showed that Stage 4, which is the stage the Council were currently at, needs to be extended to June 2022 to enable submission of the Plan to WG next Summer.

Prior to submission, amendments to the LDPDD can be made as a result of the issues raised during the public consultation and prior to being reported to Council to seek approval to submit the plan for independent examination in public.

Finally, he confirmed that Members will be aware that the existing LDP expires this year, which places the Council in an increasingly tenuous position and open to challenge from the development industry. It is therefore imperative that the Local Planning Authority continues to progress with the statutory review of the LDP.

Of equal importance he finalised, was the need to ensure that the plan is robust and fit for purpose and supported by all the necessary evidence. As such the issues raised in the report, required additional time to resolve to reduce the potential for challenge further on in the LDP process.

The Corporate Director – Communities and the Strategic Planning Policy Team Leader responded to a couple of questions from Members, following which it was

- RESOLVED:**
- (1) That Council approved the revisions to the timetable and authorised the Group Manager Planning & Development Services to submit the revised Delivery Agreement (attached at Appendix 1 to the report) to Welsh Government.
 - (2) That Council provided delegated authority to the Group Manager Planning & Development Services to make any factual corrections or minor amendments to the Delivery Agreement as considered necessary.

602. **2022-23 COUNCIL TAX BASE**

The Interim Chief Officer – Finance, Performance and Change submitted a report, in order to provide Council with details of the council tax base and estimated collection rate for 2022-23 for approval.

She reminded Council, that the council tax base is the measure of the relative taxable capacity of different areas within the County Borough and is calculated in accordance with prescribed rules. Every domestic property in the County Borough has been valued by the Valuation Office. Once valued, properties are allocated one of nine valuation bands (Bands A to I). Each band is multiplied by a given factor to bring it to the Band D equivalent, as set out in the table shown in paragraph 3.2 of the report.

The gross estimated council tax base for 2022-23 is 55967.70 Band D equivalent properties and the estimated collection rate is 97.5%. The net council tax base is, therefore, 54568.51. The estimated collection rate has been kept at 97.5%, to reflect the

current economic circumstances surrounding the Covid-19 pandemic, the higher number of citizens facing economic hardship and current collection rates.

The Interim Chief Officer – Finance, Performance and Change, added that council tax base is provided to Welsh Government and is used to calculate the amount of Revenue Support Grant that a local authority receives in the Local Government Revenue Settlement. In order to ensure consistency across Wales no account is taken of Councils' assumptions about collection rates. For the purpose of distributing RSG, collection rates are assumed to be 100 per cent, regardless as to the amount collected.

The council tax element of the Council's budget requirement will be based on the net council tax base of 54568.51 and although the Council calculates the tax base for the whole of the county borough, separate calculations are provided for each town and community council. This council tax base is used by precepting authorities in calculating their own individual precepts.

She finalised her submission, by confirming that Town and community councils base their precepts on the tax base for each town and community area and details of these were shown in Appendix A of the report.

RESOLVED: That Council:-

- Approved the council tax base and collection rate for 2022-23 as shown in paragraph 4.1 of this report.
- Approved the tax bases for the town and community council areas set out in Appendix A to the report.

603. **AMENDMENT TO THE FINANCIAL PROCEDURE RULES (FPRS) WITHIN THE COUNCIL'S CONSTITUTION**

The Interim Chief Officer – Finance, Performance and Change presented a report, the purpose of which, was to seek Council's approval to amend the Constitution to incorporate the revised Financial Procedure Rules.

She advised that, the management of the Council's financial affairs are conducted in accordance with the Financial Procedure Rules set out in Part 4 of the Constitution. The FPRs have not been revised since 2017, during which time new financial processes and procedures, and new legislation and guidance, have come into effect, changing the way in which the Council operates.

The Financial Procedure Rules have been reviewed by officers, including those from finance, procurement, legal and internal audit and a number of changes made to bring them up to date to reflect changes such as those outlined in paragraph 4.1 of the report.

The Interim Chief Officer – Finance, Performance and Change, added that a report was presented to Cabinet on 16th November 2021, to approve the revised Financial Procedure Rules.

A copy of the revised rules were attached to the report at Appendix 1 for Members information.

RESOLVED: That Council approved amendment to the Constitution to incorporate the revised Financial Procedure Rules as set out in Appendix 1 to the report.

604. **INFORMATION REPORTS FOR NOTING**

The Chief Officer Legal and Regulatory Services, HR and Corporate Policy (and Monitoring Officer), reported on the Information Reports which had been published since the last meeting of Council.

She referred Members to the two Information Reports in question, that were contained in the covering report.

RESOLVED: That Council acknowledged the publication of the documents listed in the report.

605. **TO RECEIVE THE FOLLOWING QUESTIONS FROM:**

Councillor Tim Thomas to the Deputy Leader

Can the Deputy Leader outline the allocation and usage for Discretionary Housing Payments (DHP) for this financial year?

Response

What are Discretionary Housing Payments?

Discretionary Housing Payments (DHP) are paid from a cash-limited budget and are intended to help people meet housing costs, usually where there is a shortfall between their Housing Benefit (HB), or housing element of Universal Credit (UC), and their rent. A DHP can only be awarded if the claimant is claiming HB, or UC with housing costs towards rental liability. The initial legislation governing DHPs can be found in the Discretionary Financial Assistance Regulations 2001 (S1 001/1167).

'Housing costs' are not defined in the regulations and this approach purposely allows broad discretion for interpretation. In general, 'housing costs' usually refers to rental liability, although the term can be interpreted more widely to include:

- rent in advance
- rent deposits
- other lump sum costs associated with a housing need, such as removal costs

Processing a DHP application

When processing an application for DHP, consideration is given to:

the total weekly or monthly household income

less

reasonable weekly or monthly household expenses

which determines

the shortfall in income to consider for DHP award

The value of a DHP payment for an ongoing award cannot exceed the value of the UC housing costs element or, for HB recipients, the contractual rent minus ineligible service charges (see paragraph 5.1 below) e.g. contractual rent is £400 per month, and HB is £344, the maximum DHP amount would therefore be £56 per month.

What types of shortfall can DHPs cover?

The various shortfalls of HB and UC that a DHP can cover include (but are not limited to):

- rent shortfalls to prevent a household becoming homeless whilst the housing authority explores alternative options
- reductions where the benefit cap has been applied (the benefit cap limits out-of-work benefit income to a maximum of £20,000 for couples and lone parents, and £13,400 for single adults)
- reductions due to the removal of the spare room subsidy (known as the bedroom cap) or as a result of local housing allowance restrictions
- non-dependant deductions in HB or housing cost contributions in UC from non-dependants
- Other technical legislative restrictions:
 - o rent officer restrictions such as local reference rent or shared accommodation rate
 - o Government policy to limit benefit to 2 children
 - o income taper reduction
 - o removal of the family premium
- any other policy changes that limit the amount of HB or UC payable

A DHP can be awarded for a rent deposit or rent in advance for a property that the claimant is yet to move into if they are already entitled to HB or UC at their present home, and also payments for past housing costs (including arrears of rent). Further information regarding criteria and considerations can be found in the DWP's Discretionary Payments Guidance Manual (<https://www.gov.uk/government/publications/discretionary-housing-payments-guidance-manual>).

DWP and DHP funding for 2021-2022

DHPs have been available to local authorities since 2001. The cash-limited funding is provided by the Department for Works and Pensions (DWP) and since 2011-12, additional funding has been made available to enable local authorities to provide transitional support to claimants as they adjusted to the HB Welfare Reforms.

The total DHP funding for England and Wales in 2021-22 is £140 million. The DWP allocated £100m at the start of the year with Bridgend County Borough Council's initial allocation being £269,861. At the end of September, the DWP allocated the reserved £40 million of funding – at this point, Bridgend was allocated a further £94,596 bringing the total DWP allocation for Bridgend to £364,457.

DHP funding regulations provide an overall upper limit for DHP expenditure to 2.5 x the DWP allocation; the additional expenditure over the DWP allocation would have to be funded by the local authority. For Bridgend, the upper limit for 2021-22 is £911,143. Any unused DHP allocation is either not claimed from, or returned to, the DWP (i.e. the local authority cannot retain any unspent funds).

DHP expenditure as at 12 November 2021 is:

Year - 2021	
Total DWP Fund -	£364,457
Net Paid to Date -	£234,878
Committed*	- £43,025
Unallocated	- £86,554

*Committed funds include lump-sum awards to be paid immediately, and future on-going awards to be paid in line with the claimant's rental cycle.

The number of DHP decisions made to the 12 November 2021 is 481, resulting in 354 awards. 140 of these have been lump sum payments (removal costs/ rent in advance/ deposits/ arrears), and 214 are for on-going awards.

Welsh Government DHP funding for 2021-2022

In March 2021, the Minister for Housing and Local Government issued a statement announcing an additional £4.1m funding to top up DHP funds and help local authorities to support tenants in rent arrears (<https://gov.wales/written-statement-extension-tenancy-saver-loan-scheme-and-additional-funding-discretionary-housing>). The funding has been provided across Wales as a homelessness prevention tool to address rent arrears in the context of the pandemic.

Bridgend County Borough Council's allocation for 2021-22 is £165,988, which will be utilised once the DWP allocation has been fully spent (this additional amount falls within the upper limit). Any expenditure over the DWP allocation up to the £165,988 will be claimed from WG; any expenditure over this amount will be met from existing BCBC budgets.

What DHPs cannot cover

There are certain elements of a claimant's rent that the HB and UC regulations exclude so they cannot be included as 'housing costs' for the purposes of a DHP. Excluded elements are:

- ineligible service charges, such as heating, lighting, hot water, or charges for water rates, or the provision and costs of white goods
- increases in rent due to outstanding rent arrears
- certain sanctions and reductions in benefit
- when HB payments are suspended
- reduced HB due to an overpayment being recovered

In addition, DHPs cannot be used for shortfalls between council tax liability and Council Tax Reduction awards.

Length of payments

There is no defined limit as to the length of time over which a DHP may be made. A time-limited award may be appropriate when an impending change of circumstances will result in an increase in benefit (e.g. the birth of a child leading to an increased HB award). It may also be appropriate to make a short-term award to give a claimant time to organise their financial or housing circumstances, particularly if they are trying to find alternative accommodation or gain employment.

Alternatively, a longer-term award could be more appropriate where a claimant's circumstances are unlikely to change and making a short-term award will cause them undue distress.

Supplementary question from Councillor Tim Thomas

Looking at the relevant data DHP is undeniably going to become increasingly popular due to reasons such as the end of Furlough and Universal Credit and because of

Welfare Reform. With this in mind, have you considered devising a Communications Strategy, in order that both public and private renters struggling financially, are kept fully informed that DHP is available and of the criteria required to qualify for this.

Response

Any opportunities we have to promote the services available to the public from the Council, etc, we seek to take full advantage of and in terms of DHP, we engage with free advisory organisations, such as the Citizens Advice Bureau who in turn, offer free advice to residents who find themselves in difficulties including financial difficulty. I will also arrange for a press release to be made available regarding DHP and its benefits.

Question from Councillor Ross-Penhale Thomas to the Cabinet Member Wellbeing and Future Generations

What assessment has the Cabinet Member made of the availability of good quality, affordable housing in Bridgend county borough?

Response

Affordable Housing

It is a multi-layered issue with many components, involving land availability, development opportunities and partnership working, and the role of the private sector in providing rented accommodation all of which can be influenced by housing market fluctuations.

Specific policies in the Local Development Plan (LDP) backed up by Supplementary Planning Guidance requires all new development of 5 or more houses to contribute to affordable housing either as part of the scheme or by way of offsite contribution. This can include direct provision or subsidy. Planning & Housing teams work closely on each development proposal to agree the exact scope and nature of the contribution and how it will be applied. This can then be secured through Section 106 agreements.

There are many strategies and plans which support the assessment of affordable housing needs – The Local Development Plan, Local Housing Market Assessment, Gypsy and Traveller Assessment. These are supplemented by the rehousing register which records demand and needs for social housing throughout the County which in turn supports the delivery of the Registered Social Landlords (RSL's) development programme which has seen an increase in this financial year, and for the next 2 years, to £10m Social Housing Grant per annum. Discussions with the RSL's and Welsh Government takes place regularly to support their development proposals. As the grant only partially funds each development, additional private funding will be attracted into these projects on a scheme by scheme basis by the RSL's. Our Homelessness Strategy also provides information on needs, and work is currently underway on updating this information through a Homelessness Review and Housing Support Programme Strategy which will identify housing and support needs for the future.

RSL's working within the County include Wales and West, Hafod, Linc (Cymru) United Welsh, Coastal and, V2C which has the largest stock in the Borough. Discussions take place regularly on schemes to shape the RSL development programme to meet housing needs throughout the County. Social housing developments must meet planning permissions, WG financial cost guidelines and quality standards before they are supported for grant. Other opportunities are not necessarily discounted but must go through the relevant processes and approvals before they can be considered.

Additionally, as part of the Covid-19 response the Council has been successful in attracting additional capital funding grant of £2,508,231 from Welsh Government for homelessness projects, this is for a mixture of new build, refurbishment and acquisition of property. When private finance is included the total expenditure is likely to be in the region of £6,783,689.

Good Quality

Looking at post-build, the Shared Regulatory Service works with Landlords in the Private Rented Sector to ensure that they are aware of their obligations when renting out properties. We also work closely with Rent Smart Wales who operate a Registration and Licensing Scheme for Landlords, and as part of this Landlords and Managing agents are required to complete Mandatory Training. Where there is non-compliance we are able to use our Enforcement Powers under the Housing Act 2004 to bring about improvements to properties. In addition, we also work with owners of Empty Properties and advise them of initiatives that are available for them to bring their properties back into use and make them available to rent.

Supplementary question from Councillor Ross Penhale-Thomas

We have some of the oldest and inadequate housing stock in Europe and Shelter Cymru, for example, are aware that there are some cases at the moment where tenants rent has doubled overnight from £700 to £1,400 a month, with inflation increasing far ahead of wages. What more can be done as a local authority to improve the private rental sector that serves both tenants and landlords and eases the housing crisis, to ensure that tenants have security in terms of long-term accommodation. Long term tenancy gives both the tenant and the landlord peace of mind.

Response

We are working with Cartrefi Hafod to promote rental schemes via a private landlord. I live in a community where landlords of private accommodation rent out a considerable number of houses in the Ogmore Valley area. Based on that, there is evidence that the authority does link in effectively with private landlords where these are available, who provide housing rental in areas such as my own, as there is often little alternative means of housing available, particularly for those on low or little income. In terms of affordable housing, I have just received a letter from Welsh Government (WG), confirming that they are launching a scheme to help bridge any viability gaps. WG are committing to the provision of 20,000 affordable homes during the term of the Senedd and within the realms of this scheme, local authorities can apply for up to 50% towards bridging such viability gap. I will be happy to have further discussions with the Member regarding this, outside of the meeting

Second supplementary question from Councillor Paul Davies

Could the Cabinet Member – Future Generations and Wellbeing advise us how many new affordable homes have been built in the County Borough within the term of the administration and with the additional social housing grant from WG, how much more funding is due to come to BCBC.

Response

In terms of the funding element, WG have increased their allocated amount from £3m to £10m from 2019. I think that's a significant increase and I am grateful to WG for this. In terms of the pipeline, it is difficult to say, however, there is 432 houses projected over the next 3 years. This is dependent on certain factors however, such as the market at

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the time and whether or not our RSL's have the resources available to build this estimated amount of dwellings within the above period.

606. **URGENT ITEMS**

None.

The meeting closed at 17:02

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

15 DECEMBER 2021

REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

GAMBLING ACT 2005 STATEMENT OF LICENSING PRINCIPLES 2022-2025

1. Purpose of report

- 1.1 The purpose of this report is to seek Council approval of the publication of the Council's Statement of Licensing Principles for the next triennial period 2022 to 2025.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This proposal is a regulatory function which is required to effectively discharge the functions of the authority under the Gambling Act 2005 and as such has no link to the corporate well-being objectives.

3. Background

- 3.1 The Gambling Commission is the unified regulator for gambling in Great Britain and it is responsible for granting operating and personal licences for commercial gambling operators. However, the responsibility for licensing land based premises, as well as functions in relation to issuing permits and registrations, rests with local authorities. The Gambling Commission issues statutory Guidance on the manner in which local authorities are to exercise their functions under the Gambling Act 2005.
- 3.2 The Council, as a licensing authority, must publish, on a three year basis, a Statement of Licensing Principles governing the policy, regulation and decision making process relating to gambling premises. A formal consultation must be undertaken before a new statement is published.
- 3.3 This report outlines the response to the consultation and makes recommendations for revisions to the Statement of Licensing Principles, the approval of which is a Council function. The proposed amendments are shown highlighted in red within the document in **Appendix A**. The proposed review has taken into account the unprecedented impact of the Coronavirus pandemic on businesses which provide gambling facilities.
- 3.4 The Council as a licensing authority carries out a number of regulatory functions including to:
- licence premises for gambling activities (betting shops, bingo, adult gaming centres)
 - 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
- consider occasional use notices for betting at tracks
- register small societies' lotteries.

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

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

3.6 The authority cannot take into account other considerations such as moral or ethical objections to gambling. In addition, the Council has no powers to regulate remote or online gambling and cannot therefore adopt policy guidelines in respect of online gambling via the internet, telephone or television.

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

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

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

4. Current situation/proposal

4.1 In normal circumstances, it would be possible to review trends and issues which may inform future policy development. However, the period 2020-2021 has seen unprecedented measures in place with gambling premises subject to lockdown. In addition, in December 2020 the Minister for Sport, Tourism and Heritage announced a Review of the Gambling Act 2005 Terms of Reference and Call for Evidence which overlaps with the current three-year review process.

4.2 The tri-ennial review of the Statement of Licensing Principles must still be undertaken, but in the light of the impact of the pandemic on premises, the absence of the reporting of local trends, and the impending review, it was felt that a more balanced

review could be undertaken in 2022 to assess the impact on businesses and whether any policy changes are necessary. The approach was set out in the consultation document and a copy of the draft Statement of Licensing Principles is attached at **Appendix A**.

- 4.3 The consultation was published on the Council's website between 6 August 2021 and 10 September 2021 and notice given to:
- Responsible authorities including police, safeguarding and community safety
 - Trade representatives
 - Problem Gambling Organisations
 - Bridgend County Borough Council Members
 - Town and Community Councils
- 4.4 A response was received from Gosschalks Solicitors who act for The Betting and Gaming Council (BGC), which was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Gosschalks response outlines that the mission of the BGC is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers. A copy of the response is attached at **Appendix B**.
- 4.5 The response seeks one amendment which relates to redundant terminology which is no longer used within the Gambling Commission's statutory guidance to local authorities:

“Considerations specific to the draft statement of principles 2022 - 2025

On behalf of the BGC, we welcome the acknowledgment that the Council has received no evidence of new trends or concerns in the land based market it regulates, that there has been no increase in problem gambling rates and in the circumstances, the Council proposed not to change its policy.

The policy as drafted is light-touch and the only alteration that we suggest is to paragraph 2.3 and 2.3.1. The heading to paragraph 2.3 is “Primary Gambling Activity and Definition of Premises” and in paragraph 2.3.1 there is a reference to “Primary Gambling Activity”. This is a term no longer used by the Gambling Commission and does not now appear in the guidance to licensing authorities. In the circumstances, we suggest that these references are amended.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful.”

- 4.6 As this is a redundant term, it is recommended that paragraphs 2.3 and 2.3.1 are amended and the draft Statement of Licensing Principles has been updated accordingly.
- 4.7 No other responses were received from statutory consultees or via the website consultation.

5. Effect upon policy framework and procedure rules

5.1 The report content has no direct effect upon the Policy framework and procedure rules.

6. Equality Act 2010 implications

6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising from the report.

9. Recommendations

9.1 Council is recommended to approve the Statement of Licensing Principles, incorporating the amendments highlighted within **Appendix A** together with the additional amendment in 4.6 above, and to approve publication in accordance with the regulations.

Kelly Watson

Chief Officer – Legal and Regulatory Services, HR and Corporate Policy

9 December 2021

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Background documents: None

GAMBLING ACT 2005: BRIDGEND COUNTY BOROUGH COUNCIL



STATEMENT OF PRINCIPLES

2022-2025

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

Version

Date comes into effect:

References in red relate to proposed additions to the document or typographical amendments

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.

The Gambling Act 2005 sets out how gambling in Great Britain is regulated. It came fully into force in September 2007, and covers arcades, betting, bingo, casinos, gaming machines, society lotteries, and remote gambling (including online gambling). However, the Council, as the licensing authority, is only responsible for the administration and enforcement of gambling premises and has no jurisdiction over online forms of bingo, betting or other online games or platforms. The 2005 Act also created and set the functions and objectives of the Gambling Commission as the principal regulator in the United Kingdom.

The Council must review its Statement of Principles in respect of gambling at least every three years. Since the last review the main legislative change has been to cut the maximum stake on B2 gaming machines in betting shops from £100 to £2.

In December 2020 the Minister for Sport, Tourism and Heritage announced a Review of the Gambling Act 2005 Terms of Reference and Call for Evidence which overlaps with the current three year review process.

The background papers indicate that the Review will be led by Ministers at the Department for Digital, Culture, Media & Sport, with engagement from across government, the Gambling Commission, the industry, health and charitable sector, those with lived experience of gambling harm, and other stakeholders.

After the initial 16 week call for evidence, the government will assess the evidence presented, alongside other data, with the aim of setting out conclusions and any proposals for reform in a white paper in 2022.

The period 2020 to 2021 has also been unprecedented in terms of the Coronavirus pandemic, where gambling premises have been closed for periods of time during lockdowns. The UK government's assessment as part of the review notes that the gross gambling yield (GGY - amount staked minus winnings paid out) for online gambling in Great Britain grew 18% in real terms between

2015/16 and 2018/19.

Much of this growth was channel shift from land based gambling (the market overall grew just 4% in that period) and in September 2019 the GGY generated by remote gambling overtook that of land based gambling for the first time (excluding lotteries).

Since the last local review, the Council has received no evidence of new trends or concerns in the land based market it regulates. The Government review highlights that the steady industry growth and shift to online have seen neither a marked increase in overall gambling participation, nor an increase in population problem gambling rates.

That being the case, it is proposed that the Council undertake a statutory consultation to renew its Statement of Principles with no changes in policy, and for a further review to be undertaken once the Governments White Paper and timetable for any reform is available.

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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

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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 perform its functions in accordance with the three licensing objectives set out in the Gambling Act 2005 (“the Act”).

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

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

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

- 1.2 This Statement will not override the right of any person to make an application, make representations about an application or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Summary of matters dealt with in this Statement

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

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

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

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

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

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

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

With its Bristol Channel coastline and mix of urban and rural communities, the County Borough lies at the geographical heart of South Wales and has a population of about 147,539*. Its land area of 28,500 hectares stretches 20km from east to west and occupies the Llynfi, Garw and Ogmore valleys. The largest town is Bridgend (pop: 58380****), followed by Maesteg (pop: 20,612 **) and the seaside resort of Porthcawl (pop: 15,813***).

* https://www.citypopulation.de/en/uk/admin/wales/W06000013__bridgend/

**<http://www.maestegcouncil.org/about-maesteg/>

***<http://citypopulation.info>

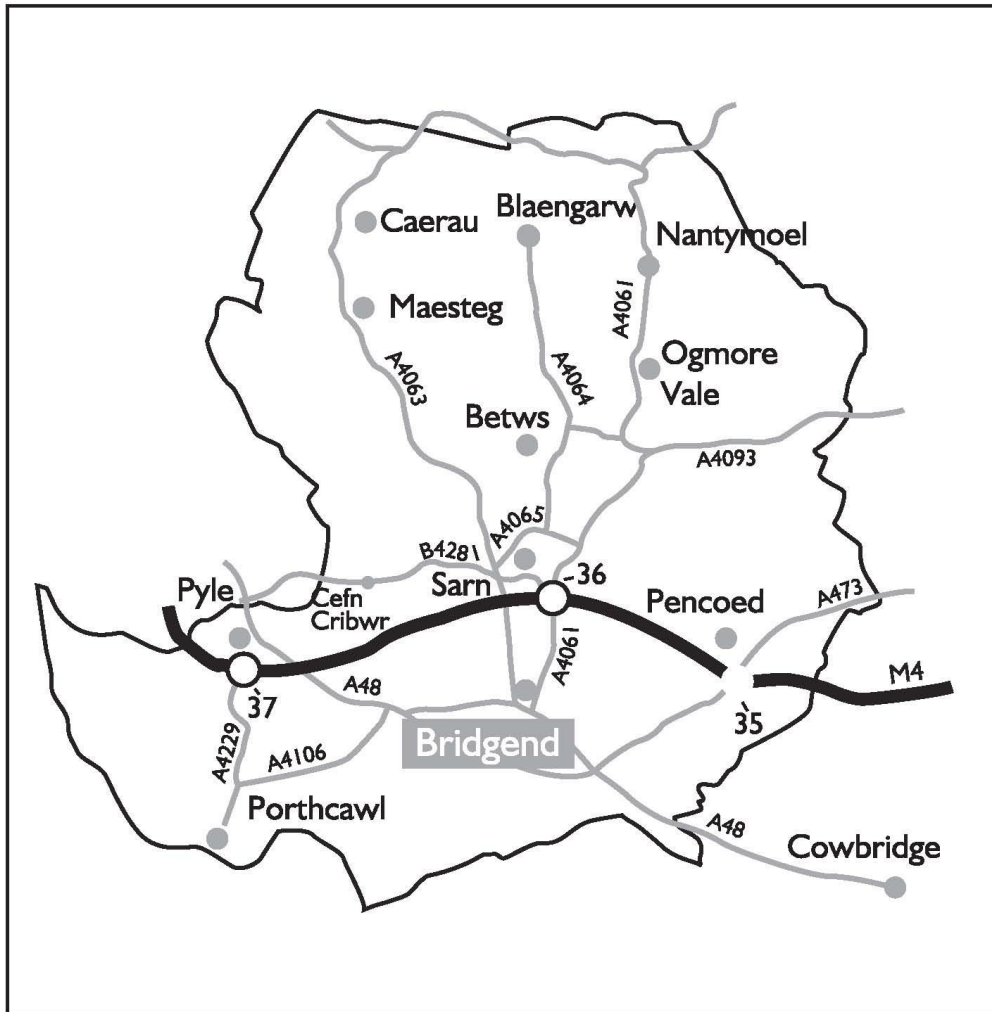
****<http://citypopulation.info>

The Council's corporate and strategic themes will vary during the course of the validity of this Statement. Details of the current corporate themes and strategies can be accessed here:

<https://www.bridgend.gov.uk/my-council/council-priorities-and-performance/>

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

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

Premises/Permit Type	Number of premises 2018	Number of premises 2021	Comments
Betting	17	12	18+
Bingo	2	2	18+
Adult Gaming Centre	6	6	18+
Family Entertainment Centre	4	3	Mixed access with 18+ segregated area
Registered Members Club	26	18	
Licensed Premises	9	2	Licensed premises with more than 2 machines
Licensed Premises	83	66	Automatic entitlement for two machines
Family Entertainment centre (permit)	12	5	Typically Seaside venues –all age access Porthcawl is a seaside location and a number of the arcades referred to are located in this area. All ages can access these venues
Total Number of premises where gambling available	159	114	

There were 120 local groups and societies registered to conduct lotteries for fundraising purposes, which has decreased to @68.

The authority does not maintain statistics on the impact of gambling on the locality. Attention is drawn however, to the Annual Report of the Chief Medical Officer for Wales which has highlighted the call for further research on the impact of gambling on health. Whilst there is no specific detail or policy impact on the 2021 consultation, stakeholders should be aware of this local development in Wales. The report is available at:

<http://gov.wales/docs/phhs/publications/cmo-report2017en.pdf>

Following the statutory consultation, there are no significant trends emerging to warrant any significant policy changes for the period 2022-2025.

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:

<p>Licensing Department Community Safety Partnership Bridgend Police Station Brackla Street Bridgend CF31 1BZ</p> <p>Phone: 01656 679507</p> <p>Adran Twydded Partneriaeth Diogelwch yn y Gymuned Gorsdaf Heddlu Pen-y-bont Stryd Bracla Pen-y-bont CF31 1BZ</p> <p>Ffôn: 01656 679507</p>	
<p>Licensing Bridgend County Borough Council Civic Offices Angel Street Bridgend CF31 4WB</p> <p>Phone: 01656 643643</p> <p>Trwyddedu Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Y Swyddfeydd Dinesig Stryd yr Angel Pen-y-bont ar Ogwr. CF31 4WB</p> <p>Ffôn: 01656 643643</p> <p>licensing@bridgend.gov.uk</p>	<p>Development Group Communities Directorate Bridgend County Borough Council Civic Offices, Angel Street Bridgend CF31 4WB</p> <p>Phone: 01656 643643</p> <p>Y Grwp Datblygu Y Gyfarwyddiaeth Gymunedau Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Y Swyddfeydd Dinesig, Stryd yr Angel Pen-y-bont ar Ogwr CF31 4WB</p> <p>Ffôn: 01656 643643</p> <p>planning@bridgend.gov.uk</p>

<p>Bridgend County Borough Council Children's Directorate Safeguarding and Family Support Civic Offices, Angel Street, Bridgend CF31 4WB</p>	<p>Health and Safety Executive Government Buildings Phase 1 Ty Glas Llanishen Cardiff, CF14 5SH</p> <p>Health and Safety Executive Government Buildings Rhan 1, Adeiladau'r Llywodraeth, Tŷ Glas, Llanishen, Caerdydd CF14 5SH</p>
<p>South Wales Fire & Rescue Service Forest View Business Park Llantrisant CF72 8LX</p> <p>Phone:01443 232000</p> <p>Gwasanaeth Tân ac Achub De Cymru Parc Busnes Fforest View Llantrisant CF72 8LX</p> <p>Ffôn: 01443 232000</p>	<p>The Gambling Commission Victoria Square House Victoria Square BIRMINGHAM B2 4BP</p>

<p>H. M. Revenue & Customs Ty Nant 180 High Street SWANSEA SA1 5AP</p> <p>Her Majesty's Commissioners of Customs and Excise, Government Buildings Ty Glas Llanishen Cardiff. CF14 5FP 029 2032 5003</p>	
<p>Shared Regulatory Services Bridgend County Borough Council Civic Offices Angel Street Bridgend CF31 4WB</p> <p>https://www.srs.wales/en/Contact-Us.aspx</p> <p>Phone: 0300 123 6696</p> <p>Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr Y Swyddfeydd Dinesig Stryd yr Angel Pen-y-bont ar Ogwr. CF31 4WB</p> <p>https://www.srs.wales/cy/Contact-Us.aspx</p> <p>Ffôn: 0300 123 6696</p>	

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.

.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 **/**/2022 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
Local Health Board
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
Sample of existing licensees
Licensee representatives who have previously expressed a wish to be notified of consultations
Public consultation also took place via the authority's website between 6/8/2021 and 10/9/2021.

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 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 definition of a "premises" in the Statutory Guidance

- Multi-purpose sites and multiple licences for a building
- Division of premises and access between premises

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

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

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

2.4 Location of premises

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

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

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

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

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

2.5 Vessels and vehicles

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

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

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

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

2.6.2 Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate such as the provision of door supervisors. The licensing authority will not address issues of nuisance which can be addressed by other relevant legislation or general nuisance issues e.g. parking or anti-social behaviour.

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

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

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

This list is not exhaustive and applicants may propose other measures which will address this licensing objective. Applicants for a premises licence will first

need to obtain an operating licence issued by the Gambling Commission. As a result the licensing authority will not be primarily concerned with the suitability of an applicant, but where those concerns do arise, the licensing authority will bring these to the attention of the Gambling Commission.

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

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

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

2.8.1 This authority will have regard to the intention of the Gambling Act that, with limited exceptions, children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to children from being harmed or exploited by gambling. This means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, (excepting Category D gaming machines).

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

2.8.2 Having due regard to the measures set out in the application, and to any relevant representations, the licensing authority may therefore consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas, training, and siting of ATM's (cash machines).

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

2.9 Considerations relating conditions to be attached to Premises Licences

2.9.1 The licensing authority acknowledges that mandatory conditions are set by the Secretary of State with the intention that no further regulation in relation to

that matter is required. Therefore it is considered extremely unlikely that the authority will need to impose individual conditions imposing a more restrictive regime in relation to matters that have already been dealt with by mandatory conditions. The licensing authority will only consider imposing conditions where there is evidence of regulatory concerns of an exceptional nature and any additional licence conditions will be evidence based and relate to the licensing objectives.

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

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

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

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

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 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.gambling.commission.gov.uk

Risk Assessments

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

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

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

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

- The area in which the premises is located/to be located
- Staff training in intervention when a customer shows signs of excessive gambling
- Location and coverage of CCTV cameras and how the system is operated and monitored
- The layout of the premises to allow staff to have an unobstructed view of persons using the premises
- Staff numbers including the supervisory and monitoring arrangements when staff are absent from the licensed area by reason of dealing with customers
- Arrangements for monitoring and dealing with underage persons and vulnerable persons, which may include dedicated trained personnel, leaflets, posters etc.
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Arrangements for localized exchange of information regarding self-exclusions and gaming trends
- Setting, including proximity to schools, youth centres, leisure centres, other gambling outlets, refreshment and entertainment type facilities, parks and playgrounds
- Known problems in the area involving young persons such as problems arising from anti-social behavior
- The risk assessment should include an assessment of the impact of any promotional material likely to encourage the use of the premises by children who are not allowed to access the premises.

- The licensing authority considers it best practice for a copy of the local risk assessment to be retained on the premises.

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 will involve serious crime and 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 The licensing authority will adopt the Gambling Commission statutory guidance in relation to notifications and permits in alcohol licensed premises. There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to an automatic entitlement to have 2 gaming machines, of categories C and/or D. The premises merely needs to notify the licensing authority of their intention to make gaming machines available for use.

The licensing authority will consider making an Order under Section 284 of the Act if it is satisfied that:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act.
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

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

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

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

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

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

5.2.4 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

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

5.3 Prize Gaming Permits

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

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

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

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

5.3.4 It should be noted that there are conditions in the Gambling Act 2005 with which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

5.4 Club Gaming and Club Machines Permits

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

5.4.2 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The licensing authority will follow the Gambling Commission's

Guidance that the grounds on which an application under the process may be refused are:

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

5.5 Temporary Use Notices

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

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling.

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

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

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

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

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

5.6 Occasional Use Notices

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

5.6.2 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

5.7 Small Society Lotteries

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

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

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

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

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

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

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

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

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

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

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

6.0 DECISION MAKING AND DELEGATION OF FUNCTIONS

- 6.1 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Licensing Committee may delegate certain decisions and functions and has established Sub-Committees to deal with them. Functions which are purely administrative in nature and non-contentious applications will be delegated to Council Officers.
- 6.2 A Licensing Sub-Committee of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a panel involving an application within their ward.
- 6.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process.
- 6.4 The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.
- 6.5 The Licensing Sub-Committee will also refer to the Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
- 6.6 The Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.
- 6.7 Every determination of a licensing decision by the Licensing Committee or Sub-Committee shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.
- 6.8 Nothing in this Statement will override the right of an applicant, responsible authority or interested party to appeal against the decision of a Licensing Sub-Committee.
- 6.9 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case.
- 6.10 This form of delegation is without prejudice to Officers referring an application to a Sub-Committee, or a Sub-Committee to Committee, or Committee to Council, if considered appropriate in the circumstances of any particular case.

Matter	Council	Sub-Committee	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club 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 to whether a representation is frivolous, vexatious or repetitive			X

The above delegations relate to the overarching 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 Cardiff and the Vale 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

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GOSSCHALKS

BY EMAIL ONLY
Licensing Section
Bridgend County Borough Council

Please ask for: Richard Taylor
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Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4064024
Your ref:
Date: 1st September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

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- become respected as valuable, responsible and engaged members of the communities in which its members operate
- safeguard and empower the customer as the key to a thriving UK betting and gaming industry

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the

industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its

regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the draft statement of principles 2022 - 2025

On behalf of the BGC, we welcome the acknowledgment that the Council has received no evidence of new trends or concerns in the land based market it regulates, that there has been no increase in problem gambling rates and in the circumstances, the Council proposed not to change its policy.

The policy as drafted is light-touch and the only alteration that we suggest is to paragraph 2.3 and 2.3.1. The heading to paragraph 2.3 is “Primary Gambling Activity and Definition of Premises” and in paragraph 2.3.1 there is a reference to “Primary Gambling Activity”. This is a term no longer used by the Gambling Commission and does not now appear in the guidance to licensing authorities. In the circumstances, we suggest that these references are amended.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful.

The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

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BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO COUNCIL

15 DECEMBER 2021

REPORT OF THE CHIEF EXECUTIVE

PRESENTATION BY CWM TAF MORGANNWG UNIVERSITY HEALTH BOARD AND PROGRAMME OF PRESENTATIONS TO FUTURE MEETINGS OF COUNCIL

1. Purpose of report

- 1.1 The purpose of this report is to remind Members of the proposed programme of presentations to be delivered to future meetings of Council in 2021/22.

2. Connection to corporate well-being objectives / other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objective under the **Well-being of Future Generations (Wales) Act 2015**:-

Smarter use of resources – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 Council will be accustomed to receiving periodically in the past presentations from its key stakeholders.

4. Current situation/proposal

- 4.1 At the meeting of Council on 15 December 2021, Members will receive a presentation by the Chief Executive and Chairperson of the Cwm Taf Morgannwg University Health Board.
- 4.2 A presentation is due to be delivered to Council on 9 March 2022 by the South Wales Fire and Rescue Authority.

5. Effect upon policy framework and procedure rules

- 5.1 There is no effect upon the policy framework and procedure rules.

6. Equality Act 2010 implications

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales, the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions.

6.2 This is an information report, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

7. Well-being of Future Generations (Wales) Act 2015 implications

7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

8. Financial implications

8.1 There are no financial implications arising from this report.

9. Recommendation

9.1 That Council notes the presentations to be delivered as referred to at paragraphs 4.1 and 4.2.

Mark Shephard
Chief Executive
7 December 2021

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Background Documents:

None