

Document Pack



sirgar.llyw.cymru
carmarthenshire.gov.wales

THURSDAY, 10 FEBRUARY 2022

TO: ALL MEMBERS OF THE LICENSING COMMITTEE

I HEREBY SUMMON YOU TO ATTEND A VIRTUAL MEETING OF THE LICENSING COMMITTEE AT 10.00 AM ON THURSDAY, 17TH FEBRUARY, 2022 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

Wendy Walters

CHIEF EXECUTIVE



PLEASE RECYCLE

Democratic Officer:	Janine Owen
Telephone (Direct Line):	01267 224030
E-Mail:	JanineOwen@carmarthenshire.gov.uk

Wendy Walters Prif Weithredwr, *Chief Executive*,
Neuadd y Sir, Caerfyrddin. SA31 1JP
County Hall, Carmarthen. SA31 1JP

LICENSING COMMITTEE

14 MEMBERS

PLAID CYMRU GROUP – 7 MEMBERS

- | | | |
|----|------------|-----------------------------|
| 1. | Councillor | Mansel Charles |
| 2. | Councillor | Tyssul Evans |
| 3. | Councillor | Ken Howell |
| 4. | Councillor | Dorian Phillips |
| 5. | Councillor | Susan Phillips |
| 6. | Councillor | Eirwyn Williams |
| 7. | Councillor | Elwyn Williams [Vice-Chair] |

LABOUR GROUP – 4 MEMBERS

- | | | |
|----|------------|-----------------|
| 1. | Councillor | Suzy Curry |
| 2. | Councillor | Penny Edwards |
| 3. | Councillor | Amanda Fox |
| 4. | Councillor | Andre McPherson |

INDEPENDENT GROUP – 3 MEMBERS

- | | | |
|----|------------|-----------------------|
| 1. | Councillor | Irfon Jones |
| 2. | Councillor | Jim Jones |
| 3. | Councillor | Edward Thomas [Chair] |

***MEMBERS SHOULD BE AWARE THAT THEY ARE NOT ABLE TO ASK MEMBERS FROM
WITHIN THEIR OWN GROUPS TO SUBSTITUTE FOR THEM AT MEETINGS OF THIS
COMMITTEE***

AGENDA

1. APOLOGIES FOR ABSENCE.
2. DECLARATIONS OF PERSONAL INTERESTS.
3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEES HELD ON THE FOLLOWING DATES:-
 - 3.1 LICENSING SUB-COMMITTEE "A" HELD ON 14TH DECEMBER 2021. 5 - 8
 - 3.2 LICENSING SUB-COMMITTEE "B" HELD ON 7TH DECEMBER 2021. 9 - 18
4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 15TH DECEMBER, 2021. 19 - 22
5. GAMBLING POLICY REVIEW 23 - 94
6. EXCLUSION OF THE PUBLIC

THE REPORTS RELATING TO THE FOLLOWING ITEMS ARE NOT FOR PUBLICATION AS THEY CONTAIN EXEMPT INFORMATION AS DEFINED IN PARAGRAPH 12 OF PART 4 OF SCHEDULE 12A TO THE LOCAL GOVERNMENT ACT 1972 AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) (WALES) ORDER 2007 AS THEY CONTAIN INFORMATION RELATING TO A PARTICULAR INDIVIDUAL.

IF, FOLLOWING THE APPLICATION OF THE PUBLIC INTEREST TEST, THE COMMITTEE RESOLVES PURSUANT TO THE ACT TO CONSIDER THESE ITEMS IN PRIVATE, THE PUBLIC WILL BE EXCLUDED FROM THE MEETING DURING SUCH CONSIDERATION.
7. MR DONALD LYN EVANS - 95 - 98
HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVERS LICENCE

This page is intentionally left blank

LICENSING SUB COMMITTEE A

14 DECEMBER 2021

PRESENT: Councillor J.M. Charles (Chair)

Councillors: J.K. Howell and B.D.J. Phillips.

Present as a representative of a Responsible Authority:

D. Bizby, Dyfed Powys Police Authority Representative;

R. Edmunds, Consumer and Business Affairs Manager;

E. Jones, Licensing Lead;

R. Thomas, Environmental Health Practitioner.

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager;

K. Smith, Licensing Officer;

E. Evans, Principal Democratic Services Officer;

K. Thomas, Democratic Services Officer;

J. Owen, Democratic Services Officer (Minute Taker).

Virtual Meeting:- 2:00pm - 3:45 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interest.

2. APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - SOUTH STAR, 2 BRYNALLT TERRACE, LLANELLI, CARMARTHENSHIRE, SA15 1NB

The Legal Services Manager briefed all present on the procedure for the meeting.

The Sub Committee was advised that an application had been received from Dyfed Powys Police for a review of a premises licence in respect of the South Star, 2 Brynallt Terrace, Llanelli, Carmarthenshire, SA15 1NB. A review had been requested due to the Police having concerns that there was a serious lack of management at the aforementioned premises following complaints received and a visit by Dyfed Powys Police and a Covid Compliance Officer from Carmarthenshire County Council.

The Sub Committee considered the following documentation attached to the report:-

Appendix A – Copy of the application.

Appendix B – Representations submitted by the Licensing Authority.

Appendix C – Representations submitted by the Trading Standards.

Appendix D - Representations submitted by the Environmental Health.

Mr David Bizby, the Dyfed Powys Police Authority Representative on behalf of the Chief Constable provided the Sub Committee with the details of the application.

The Licensing Authority representative made an oral representation and referred to the representation detailed within Appendix B, oral representations were also received from Trading Standards (referring to Appendix C) and Environmental Health (referring to Appendix D).

Mr V Moholkar of Premises Licence Holder, Ms Davies and Mr Morgan who manage the South Star on a daily basis were also in attendance.

All parties were afforded the opportunity of questioning the applicant on his submission and to respond to the comments made by the representatives.

The Sub-Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12A of the Local Government Act.

During the private session, the Sub-Committee having had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing Policy and the guidance issued by the DCMS and the Home Office,

UNANIMOUSLY RESOLVED that the application should be dealt with as follows;

- 2.1 The 13 licence conditions requested by the Police in the review application be added to the licence save that condition 9 be amended so as to apply after 9pm only;**
- 2.2 That the Premises Licence Holder be reminded of the importance of the Licensing Authority being provided with up-to-date contact information for both the Premises Licence Holder and Designated Premises Supervisor at all times.**

Reasons

In coming to its decision, the Sub-Committee made the following findings;

1. There had been a number of complaints to the police and other responsible authorities regarding noise nuisance and anti-social behaviour at or associated with the premises.
2. There had been a number of occasions when the operation of the premises has breached the COVID regulations in force at that time
3. On the 11th September 2021 Mr Nigel Brain was aggressive and rude to a police officer and COVID enforcement officer and forced them to leave the premises by pushing them.
4. When police officers subsequently attended at the premises to view CCTV footage of the incident, none was available for the relevant part of the premises and the premises manager (Miss Davies) was unable to access or operate the system.

5. The Premises Licence Holder had agreed to the additional licence conditions (as amended) being added to the licence.

The Sub Committee attached weight to the views of the responsible authorities and in particular found that the evidence presented by the Police in regard to the incident on the 11th September 2021 to be credible and compelling.

The Sub Committee recognised that its decision must be based upon real evidence, and that concerns and fears, where unsupported by such evidence, are not matters which they can properly take into account.

The Sub Committee was satisfied on the evidence put before it that the operation of the premises had failed to promote the licensing objectives of preventing crime and disorder and preventing public nuisance. The Sub Committee was not satisfied that it would be possible to adequately promote those objectives without additional conditions being added to the licence.

The Sub Committee was further satisfied that the additional licence conditions requested by the police, and supported by the other responsible authorities, are appropriate to promote those licensing objectives and a proportionate response to the issues identified in the application.

CHAIR

DATE

This page is intentionally left blank

LICENSING SUB COMMITTEE B

Tuesday, 7 December 2021

PRESENT: Councillor A.S.J. McPherson (Chair)

Councillors:

W.T. Evans and P.M. Edwards

Also present as observers

Councillors M. Charles and S. Phillips

Present as a representative of a Responsible Authority:

E. Jones – Licensing Lead, Carmarthenshire County Council

A. Morgan – Pollution and Wellbeing Lead Officer, Carmarthenshire County Council

R. Edmunds – Business and Consumer Affairs Manager, Carmarthenshire County Council

D. Bizby – Dyfed Powys Police

The following Officers were in attendance:

R. Edgecombe, Legal Services Manager

A. Rees, Licensing Officer

S. Rees, Simultaneous Translator

E. Bryer, Democratic Services Officer

K. Thomas, Democratic Services Officer

Virtual Meeting - 10.00 am - 4.30 pm

1. DECLARATIONS OF PERSONAL INTEREST.

There were no declarations of personal interests.

2. 10.00 A.M. - APPLICATION FOR THE REVIEW OF A PREMISES LICENCE. POPLARS INN, 1 PONDSIDE, JOHNSTOWN, CARMARTHEN SA31 3HU.

The Legal Services Manager briefed all present on the procedure for the meeting, which had been convened to consider an application received from the Pollution and Wellbeing Lead Officer for Carmarthenshire County Council for a review of the Premises Licence for the Poplars Inn, 1 Pondside Johnstown, Carmarthen following receipt of numerous complaints regarding the operation of the premises in relation to noise, anti-social behaviour and crime and disorder.

The Sub Committee noted the following documentation was attached to the report:-

Appendix A – The original Review Application

Appendix B – Licensing Authority Representations

Appendix C – Dyfed Powys Police Representations

Appendix D – Planning Services Representations

Appendix E – Trading Standards Representations

Appendix F – Other persons Representations.

In addition to the above, the following supplemental information had also been circulated to all parties in advance of the meeting that day:-

1. Supporting Evidence from the Pollution and Wellbeing Lead Officer
2. Premises Improvement Notice
3. Existing Premises Licence

The Pollution and Wellbeing Lead Officer presented to the Committee his report on the operation of the premises (Appendix A), together with the supplemental report cataloguing correspondence and complaints etc in relation thereto, which had resulted in the submission of the review application. He advised the Sub Committee that having regard to the review, he was of the opinion the attachment of the conditions numbered 1-6 within his representations would better promote the Licensing objectives of the Licensing Act 2003 subject to his amendment of condition 2.

All parties present were afforded the opportunity of questioning the Pollution and Wellbeing Lead Officer on his submission.

The Licensing Lead referred to his written representations, detailed in Appendix B to the report, detailing information regarding the review application and his response thereto including, having regard to the relevant sections of the Statutory Guidance and the Council's Local Licensing Policy. He advised that the Licensing Authority supported the review application and the six conditions, as amended, proposed by the Pollution and Wellbeing Lead Officer.

All parties present were afforded the opportunity of questioning the Licensing Lead on his submission.

The Police Authority representative referred to his written submission, as detailed within Appendix C to the report, and outlined the history of events and incidents reported to/recorded by the Police regarding the operation of the Poplars Inn. Having regard to the facts, the Police supported the review application and the suggested 6 conditions, as amended, to be added to the Premises Licence but subject also to the two additional suggested conditions within his representation being added to the licence relating to CCTV provision/coverage and alcohol sold for consumption in external areas being in polycarbonate, plastic or shatterproof glasses.

All parties present were afforded the opportunity of questioning the Police representative on his submission.

The Business and Consumer Affairs Manager referred to his written representations, as detailed in Appendix E to the report, detailing the work undertaken by his officers in liaising with the licence holder on the premises' operation in compliance with the covid restrictions and to the serving of a Premises Improvement Notice on the 27th April 2021. Subsequent to the service of the Notice (which had expired on the 30th April, 2021) further non-compliance issues had arisen including, a brass band playing in the marquee in the car park, with body-worn camera footage being shown to the Sub Committee clearly indicating the increased noise levels. He advised that having regard to his representations, the Council's Trading Standards Section supported the review

application as appropriate and proportionate and the imposition of the suggested additional conditions to be applied to the premises licence

All parties present were afforded the opportunity of questioning the Business and Consumer Affairs Manager on his submission.

Councillor John referred to his written representations, as detailed in Appendix F to the report, detailing his views in support of his constituents' complaints regarding the adverse impact the operation of the Poplars Inn was having on their enjoyment and wellbeing. He advised that whilst the operation of the premises in a residential area, with a school to the front and play area to the rear had attracted complaints from time to time from both residents and the licence holder, those had increased significantly following the marquee's erection in the premises' car park, and decreased following its removal. He also referred to the residents' view that whilst the review application had been submitted, there seemed to be perceived lack of co-ordination between the relevant responsible authorities in addressing their complaints/concerns.

All parties present were afforded the opportunity of questioning Cllr John on his submission.

The Legal Services Manager referred to the provisions of Section 177A of the Licensing Act 2003 and the proposed suggested condition seeking the removal of the Live Music Entitlement under the Live Music Act 2003 for all outside areas. He sought clarification that should the entitlement be removed, the licence holder could still hold live events at the premises. The Licensing Lead confirmed that following licensing deregulation, live music could be played between the hours of 8.00 a.m. and 11.00 p.m. in pub beer gardens. Removal of that condition would still allow for the holding of live events but they would be subject to the Premises licence conditions. Events held outside of the premises i.e. in the car park would also require the granting of a Temporary Events Notice Application.

The Premises Holders Legal Representative addressed the Committee in support of her client and advised that he was passionate about his business and providing a service to the community. He had been pro-active since the relaxation of the Covid regulations and had contacted the Trading Standards on no fewer than 12 occasions for advice in relation thereto. Her client had already complied with a number of the requested conditions and had CCTV installed at the premises. However, he had concerns in relation to the proposed condition no 2 regarding the closure of windows and doors after 7.00 p.m. and the potential impact thereof on covid requirements for the circulation of fresh air into the premises. It was accepted that removal of the live music entitlement could impact on the business' profitability. However, the licence holder confirmed that live external events would probably total a number of 8 over the summer months, including bank holidays.

All parties present were afforded the opportunity of questioning the Premise Licence Holder's representative on her submission.

The Sub Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12 to the Local Government Act.

The sub-committee also had regard to relevant paragraphs of the Licensing Authority's Statement of Licensing policy and of Guidance issued by the DCMS and Home Office identified in the agenda item, and those to which it had been referred by the parties.

FURTHER RESOLVED and having considered all the evidence before it, the Sub-Committee finds that the application should be dealt with as follows:-

1. The live music entitlement under the Live Music Act 2003 in respect of outside areas of the premises be removed and a statement added to the Premises Licence stating that Section 177A of the Licensing Act 2003 does not apply to the conditions on the licence and that the conditions on the licence be given renewed effect.
2. That the following changes be made to the conditions on the licence
 - (a) Annex 2, Section b, Condition 1 – is to be replaced by the new CCTV condition proposed by the Police in their written representations
 - (b) Annex 2, Section b – add an additional condition 24 'Alcohol to only be sold for consumption in the external areas in polycarbonate, plastic or shatterproof glasses.'
 - (c) Annex 2 Section b – add an additional condition 25 ' Premises licence holder to take reasonable steps to try and ensure that patrons do not remove glasses and bottles from the premises'
 - (d) Annex 2, Section d, Condition 1 – be replaced by a new condition that 'Apart from access to and egress from any relevant room the doors and windows in any room where amplified music is being played shall remain closed from 9pm onwards'
 - (e) Annex 2, Section d – add new condition 5 'All doors at the premises to be fitted with self-closing mechanisms'
 - (f) Annex 2 Section d – remove existing conditions 5 to 9
 - (g) Annex 2, section d – add new condition 6 ' No live music or recorded music shall be played in any outside location at the premises and no live music or recorded music shall be played from any other location at the premises or any adjoining premises for the purpose of entertaining persons within the external areas at the premises'
 - (h) Annex 2, section d - add new condition 7 ' No televisions, radios, or other sound generating equipment to be used in any external area at the premises or from any other location at the premises or any adjoining premises for the purpose of entertaining persons within the external areas at the premises

REASONS

In coming to its decision, the Sub-Committee made the following findings;

1. The premises had been a source of nuisance to members of the public living in the vicinity
2. The nuisance had been public in nature
3. The public nuisance had related to music noise, noise from patrons at and outside the premises, the parking of vehicles and littering.
4. Patrons of the premises have also engaged in fighting, criminal damage, public urination and threatening behaviour

5. The management of the premises has on occasion failed to promote the licensing objectives
6. Efforts by responsible authorities to resolve matters with the premises licence holder informally have been unsuccessful.

The Sub Committee has attached weight to the views of the responsible authorities. In particular, it notes that all the responsible authorities that have attended the hearing support the review application and the various control measures requested.

The Sub Committee recognises that its decision must be based upon real evidence, and that concerns and fears about what might happen, where unsupported by such evidence, are not matters which it can properly take into account.

In this case the Sub Committee is satisfied that there is real evidence before it that the operation of the premises has caused nuisance to local residents and that this nuisance is of such a nature, duration, extent and effect as to amount to a public rather than private nuisance. The Sub Committee finds the evidence of the responsible authorities to be credible and compelling. Officers have directly witnessed the matters complained of and their evidence corroborates the complaints from local residents and the noise recordings.

The Sub Committee recognises that the course of action proposed by the applicant may have a negative effect on the operation of the premises. However, it considers that such impact should be relatively limited as the licence holder can still legitimately hold live music events at the premises. It therefore has sought to balance the impact on the premises from taking the proposed action against the impact experienced by local residents from the operation of the premises.

The Sub Committee considers that it has the following options available to it under the Licensing Act to promote the licensing objectives

- Revoke the licence
- Suspend the licence
- Remove the Designated Premises Supervisor
- Add additional licence conditions
- Remove the operation of the Live Music exemption
- Remove licensable activities from the licence
- Take no action

The Sub Committee considers that the first 2 options, whilst effective in promoting the licensing objectives, would be a disproportionate response to the issues identified. As regards the third option, the Sub Committee considers that this would not assist in promoting the licensing objectives. Similarly, to take no action and leave matters entirely unchanged would do nothing to promote the licensing objectives.

The Sub Committee has considered whether it would be appropriate to remove licensable activities or limit the times which they are permitted. (in particular the provision of live music) from the licence. Given that the main issues have arisen

with events in external areas (which are not in fact part of the licensed area) the Sub Committee considers that to remove live music entirely from the licence would have a disproportionate effect on the viability of the business.

This leaves the Sub Committee with the fourth and fifth options.

Turning to the removal of the Live Music exemption, the Sub Committee considers that this is an appropriate and proportionate way to promote the prevention of public nuisance objective as on the evidence presented it is the holding of live music events in external areas of the premises which have been the main source of public nuisance. In coming to this view the Sub Committee notes that the removing of this exemption does not prevent the holding of live music events in the licensed area at the premises. The premises licence expressly authorises the provision of live music in the licensed area of the premises and the application does not seek to remove this. The removal of the exemption does however

- Remove the ability of the licence holder to hold live music events in external areas without (a) varying the existing premises licence or (b) submitting a Temporary Event Notice
- Ensure that any conditions on the premises licence relating to live music will have effect.

Based on the evidence presented to it the Sub Committee does not consider that this will have a disproportionate in effect on the business and will do much to promote the licensing objectives.

The Sub Committee notes that the premises licence holder can submit (and indeed has in the past submitted) temporary event notices to allow live music events to take place at the premises. Currently this is limited to 15 occasions a year, each occasion lasting for up to 168 hours (7 days) subject to a maximum of 21 days duration in total. This is to be increased next year to 20 occasions a year with a maximum of 26 days duration in total.

On the evidence presented by Mr. Howell this is sufficient to enable him to hold enough events in external areas to ensure the viability of the business.

In relation to the changes to the licence conditions, the Sub Committee considers these are appropriate to promote the prevention of crime and disorder and prevention of public nuisance licensing objectives. In particular, given the impact of holding music and other events in outside areas of the premises on local residents, the Sub Committee is satisfied that the new conditions 6 and 7 in Annex 2 section d of the licence are appropriate and proportionate. In coming to this decision the committee again has taken into account that this does not affect the ability of the premises licence holder to hold live music events within the indoor licensed area or to submit temporary event notices seeking authorisation to hold such events outside the licensed area.

The Sub Committee has however recognised the valid point made by Miss Walton, counsel for the premises licence holder, in relation to Annex 2, Section d, Condition 1. It therefore considers that the requirement to keep doors and windows closed should only apply after 9pm when amplified music is being played. After this time, the licence holder will have either to use unamplified music or implement alternative COVID safety measures. The Sub Committee considers this represents a reasonable balance between the competing interests of the business and local residents.

3. 2.00 P.M. - APPLICATION FOR THE VARIATION OF A PREMISES LICENCE, CLOCKWORK TAVERN, UNIT 9, EASTGATE, LLANELLI SA15 3YF

The Legal Services Manager briefed all present on the procedure for the meeting which had been convened to consider an application received from Scarlets Regional Limited for the variation of the Premises Licence in respect of the Clockwork Tavern, Unit 9 Eastgate, Llanelli. The variation sought to allow:

Recorded Music: Friday & Saturday 08:00 – 02:00

Sale of Alcohol: Friday & Saturday 08:00 – 02:30

Bank Holiday Sundays, Christmas Eve, Boxing Day, New Years Eve, & New Years day if days fall on other days than Fridays and Saturdays – sale of alcohol to be allowed until 2.30 a.m.

Anything of a similar description to Live Music, Recorded Music or Performances of Dance Friday & Saturday 08:00 – 02:00

Opening Hours:- Friday and Saturday 08:00 – 03:00

The Sub Committee noted that the following documentation was attached to the report:-

Appendix A – Copy of the Variation application

Appendix B – Licensing Authority Representations

Appendix C – Pollution and Wellbeing Team Representations

Appendix D – Dyfed Powys Police Representations

Appendix E – Other persons representations

Appendix F – Current Licence

In addition, the following supplemental information had been circulated to all parties in advance of the meeting:-

Applicant supporting evidence
Risk Assessment

The Licensing Lead referred to his written report, as detailed in Appendix B, and advised that subsequent to the receipt of the representations in Appendices B-E, the applicant had amended the application to allow:-

Recorded music Friday & Saturday 08:00 – 01:00 (as existing)

Sale of Alcohol Friday & Saturday 08:00 – 02:00

Opening Hours Friday & Saturday 08:00 – 02:30

The above amendment was detailed within Appendix G to the report and the remaining Responsible Authorities had not made any representation thereon.

The Licensing Lead, having regard to the points raised within his report and to the observations of the other responsible authorities / other persons, stated that if the

variation application were to be granted he considered the additional conditions proposed by the Police should be added to the premises Licence.

All parties were afforded the opportunity of questioning the Licensing Authority representative on the representations made.

The Pollution and Wellbeing Lead referred to his written representations, as detailed in Appendix C, and advised that following submission of the amended application to retain the playing of recorded music at the premises on Friday and Saturday, as existing, he had no objection to the amended application. However, if the variation were to be granted, he requested the Sub Committee to consider the inclusion of an additional 11 conditions, as read out in the meeting

All parties were afforded the opportunity of questioning the Pollution and Wellbeing Lead on the representations made.

The Police representative referred to his written representations, as detailed in Appendix D, detailing the past history of anti-social behaviour in the area and to their concerns that any later opening of the premises in question could lead to a return of late night drunken activities. Whilst not objecting to the variation, the police requested the 16 suggested conditions detailed within their representation be added to the premises Licence to promote the Licensing Objectives.

All parties were afforded the opportunity of questioning the Police representative on the representations made.

Representations were received from other interested objecting to the variation on a number of grounds. Those included, noise nuisance from music played at the premises, anti-social from patrons including noise nuisance, fighting and brawling in the street, urinating and vomiting on the street, alleged discrepancies between the application and risk assessment, door supervisor start times and the impact on adjoining businesses such as the Travel Lodge. The area was supposed to be a family friendly area and the opening of a nightclub at the premises would be contrary to the original ethos behind its development. They were also concerned that increasing the premises' drinking hours could see the above experiences of anti-social behaviour increasing

All parties were afforded the opportunity of questioning the representatives on their representations.

The Designated Premises Supervisor/Manager in response to the complaints received, advised the Sub Committee he was unaware of residents' concerns until after the submission of the variation application. He confirmed that following representations from the Police and Environmental Health, a number of measures had been introduced to mitigate any impact on the residents from the operation of the Clockwork Tavern. He also advised that the application was not, and will never be, a means of creating a nightclub. The Clockwork Tavern was a live venue and entertainment centre and aimed to attract clientele over 21 not attending nightclubs.

All parties were afforded the opportunity of questioning the Designated Premises Supervisor on the representations made.

The representative for the leaseholders of the Clockwork Tavern outlined the terms of the lease to the premises licence holder and confirmed that should any activity be undertaken contrary to the licence, the lease would be revoked. She urged an ethos of communication and requested the public to raise any concerns on the premises' operation with her

All parties were afforded the opportunity of questioning the representative on the representations made.

The Sub Committee thereupon

UNANIMOUSLY RESOLVED to retire into private session in order to receive legal advice pursuant to Paragraph 16 of Schedule 12 to the Local Government Act.

FURTHER RESOLVED, that having considered all the evidence before it, the Sub Committee finds that the Variation Application for the Clockwork Tavern, be refused

REASONS

In coming to its decision, the Sub-Committee has made the following findings;

1. The premises was first licenced in 2011. The current licence was granted in 2012. This was on the basis of a terminal hour of 1am on Fridays and Saturdays and that the premises would be a food orientated business.
2. There has been no previous history of enforcement activity in relation to the premises save for the issue of a COVID Premises improvement notice in 2020
3. Complaints have been received from local residents and businesses about music and patron noise from the premises
4. Residents have witnessed considerable anti-social behaviour on the part of patrons of the premises.
5. Past police experience of late night venues at this and other locations in Llanelli is that they have become a focus for alcohol related crime and disorder and public nuisance.
6. Applicant has reduced the requested hours to 1am for regulated entertainment, 2am for sale of alcohol and 3am venue closure.
7. The premises is close to an area identified in the Council's statement of licensing policy as a hotspot for alcohol related crime and disorder

The Sub Committee has attached weight to the views of the responsible authorities and in particular notes that none of them are recommending that the application be refused.

The Sub Committee recognises that its decision must be based upon real evidence, and that concerns and fears about what might happen if a licence were granted, where unsupported by such evidence, are not matters which they can properly take into account.

In this case the Sub Committee is satisfied that there is real evidence upon which it can base its decision. In particular, it finds the evidence provided by local residents and businesses as to the impact of this premises to be credible and compelling. Furthermore, it considers that this evidence is corroborated by the evidence provided by the Police and Public Health services.

The Sub Committee also attaches weight to the views of the police that , based on their professional experience, to grant the application would be likely to increase the amount of alcohol related crime and disorder and public nuisance associated with the premises.

The Sub Committee has considered whether these issues could be adequately addressed by adopting a robust set of control measures and licence conditions. However, on the evidence put before it the committee is not satisfied that the licence conditions put forward are sufficient to address the issues identified and believes that they would not be adequate to promote the licensing objectives.

As such, the Sub Committee is satisfied that to grant the application, even subject to the proposed licence conditions, would undermine the licencing objectives of preventing crime and disorder and preventing public nuisance. As such the Sub Committee considers that refusing the application is an appropriate way of promoting those objectives and a proportionate response to the issues identified.

CHAIR

DATE

LICENSING COMMITTEE

15 DECEMBER 2021

PRESENT: Councillor E.G. Thomas (Chair)

Councillors:

J.M. Charles, P.M. Edwards, W.T. Evans, J.K. Howell, H.I. Jones, A.S.J. McPherson, B.D.J. Phillips, J.S. Phillips, J.E. Williams and D.E. Williams

The following Officers were in attendance:

J. Power, Senior Licensing Officer;
R. Edgecombe, Legal Services Manager;
E. Bryer, Democratic Services Officer;
R. Morris, Members Support Officer;
S. Rees, Simultaneous Translator;
J. Owen, Democratic Services Officer (Minute Taker).

Virtual Meeting:- 10:00am - 10:55am

- [Note: The Chair having been informed that the Driver in respect of Agenda Item 7 was not in attendance changed the order business on the agenda to consider Agenda Item 8, prior to Item 7. However, ease of referencing these minutes reflect the order of business itemised on the agenda for the meeting.]

1. APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillors A. Fox and J. Jones. Apologies were also received from Mr David Bizby, Dyfed Powys Police Representative.

2. DECLARATIONS OF PERSONAL INTERESTS.

Councillor	Minute Number	Nature of Interest
H.I. Jones	Agenda Item – 8 Application for the grant of a hackney carriage/private hire dual driver's licence - Mr Emyr Wyn Davies	The driver is known to him.

3. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETINGS OF THE LICENSING SUB-COMMITTEES HELD ON THE FOLLOWING DATES:-

3.1. LICENSING SUB-COMMITTEE "A" HELD ON 16TH NOVEMBER 2021.

RESOLVED that the minutes of the meeting of the Licensing Sub-Committee "A" held on the 16th November, 2021 be signed as a correct record.

3.2. LICENSING SUB-COMMITTEE "B" HELD ON 21ST SEPTEMBER, 2021

RESOLVED that the minutes of the meeting of the Licensing Sub-Committee "B" held on the 21st September, 2021 be signed as a correct record.

4. TO SIGN AS A CORRECT RECORD THE MINUTES OF THE MEETING OF THE LICENSING COMMITTEE HELD ON THE 23RD SEPTEMBER, 2021.

The Chair highlighted that there was an incorrect citation within the body of Minute Item 14 which stated that:-

"The Senior Licensing Officer recommended that Mr Alyufrus be issued with a final warning as to his future conduct"

The sentence should read:-

"The Senior Licensing Officer recommended that Mr Alyufrus' application be refused."

UNANIMOUSLY RESOLVED that with the amendment being made, the minutes of the meeting of the Licensing Committee held on the 23rd September, 2021 be signed as a correct record.

5. REVIEW OF HACKNEY CARRIAGE MAXIMUM TABLE OF FARES.

The Committee considered a report which provided information on an application received to increase the current hackney carriage maximum table of fares. The application proposed to restructure the current hackney carriage maximum table of fares as follows:-

1. to increase the initial charge on the meter by £0.60p on Tariff 1, Tariff 2, and Tariff 3.
2. to increase the Extra Charges for Vehicles carrying 5-8 passengers. For each passenger exceeding FOUR a charge of £1 for each passenger (For Passengers 5-8). This is an increase of £0.75 per person.
3. to increase the Contamination fee for fouling of the Vehicle to £60. This is an increase of £10.00.
4. to increase the Booking Fee (Where journey commences more than 4 miles from operator's base) to £5.00. This is an increase of £2.00 and also moves the journey distance from more than 5 miles to More than 4 miles.
5. Double Tariff 1 on the meter shall apply on all hiring's commencing on Christmas Day and New Year's Day. This will remain and will be based on the tariff agreed for Tariff 1.

It was reported that the last tariff change took place in May 2011 and due to the increasing overheads incurred by the taxi trade, an application had been received to increase the current maximum table of fares in accordance with Local Government (Miscellaneous Provisions) Act 1976, Section 65 Hackney Carriage Maximum Table of Fares

The Senior Licensing Officer orated statistics and indicators relevant to the taxi trade since 2011 which included the increase in fuel costs, minimum wage, insurance premiums and more recently the increase in the cost of vehicles, parts, goods and services since Brexit and the Pandemic. In consideration of the information provided, it was reported that the overall situation showed a clear and obvious financial decline for the Carmarthenshire taxi trade which had been running at a loss since the last increase in 2011.

Members considered the current hackney carriage maximum table of fares and the proposed restructure as stated in the report.

Members were informed that 550 members of the taxi trade within Carmarthenshire had been consulted on the proposed hackney carriage maximum table of fares, a total of 80 responses were received of which 79 stated that they were happy with the proposed tariff increase. In addition, Members received an oral update of the respondents' comments.

Reference was made to the responses received regarding the rate for Christmas Eve/Day and New Year Eve/Day. In response to a query regarding amending the tariff, the Legal Services Manager and Senior Licensing Officer advised the Committee that any amendments at this stage would not have been included in the initial consultation with members of the taxi trade therefore, it was suggested that the public consultation would be an opportunity for members of the public and of the taxi trade would be welcome to provide any suggested amendments to the hackney carriage maximum table of fares via the public consultation. Accordingly, the results of the public consultation would be presented to the Committee in due course.

The applicant was duly afforded the opportunity to address the Committee in support of his application.

UNANIMOUSLY RESOLVED that

- 5.1 the Current Hackney Carriage Maximum table of fares to accommodate the increasing overheads incurred by the taxi trade be restructured;**
- 5.2 the proposed amendments to the current fare table, as set out in the report, be published in the local newspapers, giving 14 days for any persons to submit objections, in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976. Where there are no objections, the tariffs shall be implemented.**

6. EXCLUSION OF THE PUBLIC

RESOLVED, pursuant to the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, that the public be excluded from the meeting during consideration of the following items as the reports contained exempt information as defined in paragraph 12 of Part 4 of Schedule 12A to the Act.

7. HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR DANIEL JOHN VICTOR JOHNS

The Committee having been informed that Mr Johns was not able to attend the meeting due to work commitments: -

RESOLVED to proceed to consider the agenda item in Mr John's absence.

The Committee was informed that Mr Daniel John Victor Johns of 10 Manor Road, Ammanford, is a licensed hackney carriage/private hire dual driver with this Authority and that an issue had arisen with regard to his licence.

The Senior Licensing Committee informed the Committee members of the issues that had arisen.

The Senior Licensing Officer recommended that Mr John be granted with a warning as to his future conduct.

UNANIMOUSLY RESOLVED that, in line with the Council's guidelines, Mr Daniel John Victor Johns be issued with a warning as to his future conduct.

8. APPLICATION FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DUAL DRIVER'S LICENCE - MR EMYR WYN DAVIES

[Note: Councillor H.I. Jones declared an interest and left the meeting throughout the consideration and voting of this item]

The Committee considered an application from Mr Emyr Wyn Davies of 12 Job's Well Road, Carmarthen for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence.

The Committee interviewed Mr Davies with regard to his application.

The Senior Licensing Officer recommended that Mr Emyr Wyn Davies' application be granted with a warning as to his future conduct.

UNANIMOUSLY RESOLVED that the application submitted by Mr Emyr Wyn Davies for the grant of a Hackney Carriage/Private Hire Dual Driver's Licence be granted with a warning as to his future conduct.

CHAIR

DATE

LICENSING COMMITTEE

17TH FEBRUARY 2022

REVIEW OF GAMBLING POLICY		
Recommendations / key decisions required: A summary of the consultation responses is attached. It is recommended that :- <ul style="list-style-type: none"> The amended Gambling Policy be approved. 		
Reasons: The attached revised Gambling Policy document reflects the results of the consultation and review process and complies with relevant legislation and guidance		
Relevant scrutiny committee to be consulted NO		
Cabinet Decision Required		YES 28 th February 2022
Council Decision Required		YES 9 th March 2022
CABINET MEMBER PORTFOLIO HOLDER:- Cllr. P M Hughes (Public Protection Portfolio Holder)		
Directorate: Department for Communities Name of Head of Service: Jonathan Morgan Report Author: Emyr Jones	Designations: Head of Homes and Safer Communities Licensing Lead	Tel. Email addresses: 01554 899285 jmorgan@carmarthenshire.gov.uk 01267 228717 eorjones@carmarthenshire.gov.uk

EXECUTIVE SUMMARY

LICENSING COMMITTEE 17TH FEBRUARY 2022

REVIEW OF GAMBLING POLICY

Context

The current Gambling Policy was adopted by the authority in December 2018. The legislation requires it to be reviewed at least every three years to ensure that it reflects feedback from the local community that the statutory objectives are being met.

Consultation

As part of the review, the authority is required to undertake a consultation exercise aimed at the chief officer of Police, representatives of gambling businesses and persons representing the interests of residents and businesses in the area, in order for their views to be formally considered by the authority.

The consultation began on the 25th of October 2021 and finished on the 21st of November 2021. Over one thousand individuals and organisations, including licence holders and their representatives, town and community councils, members of parliament, assembly members, county councillors, council departments and responsible authorities received consultation documents. The responsible authorities include, The Licensing Authority, Dyfed Powys Police, Mid and West Wales Fire and Rescue Service, Gambling Commission, Environmental Health (Pollution Section), Planning Authority, HMRC, Children Services.

The survey was again undertaken using the consultation facility on the Council's web site. This enabled the majority of consultees to be contacted via e-mail, thus reducing the cost whilst increasing the accessibility of the consultation.

The key issues raised as a result of the consultation exercise and review were:-

- No clear evidence that specific areas of the county are suffering with gambling related problems.
- There is evidence of access to gaming machines by under 18's in alcohol licensed premises and improvements to supervision arrangements and staff training are required.

The authority's licensing section in conjunction with the council's legal department have reviewed the policy document in light of the consultation responses. The authority has liaised closely with the Gambling Commission, including hosting a virtual meeting with a representative of the Gambling Commission as well as the licensing sections of, Pembrokeshire, Powys and Ceredigion licensing authorities, with the aim of ensuring as far as possible a consistent approach to the revised Gambling Policy.

The key change to Gambling Policy document include :-

1. Section 21 of the Gambling Policy relating to licensed premises gaming machine permits has been updated to reflect the results of the test purchasing exercise undertaken in 2019.(Page 31)
2. Section 23 of the Gambling Policy relating to Club Gaming Machine Permits has also been updated with good practice advice following the test purchase exercise in 2019.(Page 33)

A revised gambling policy document, incorporating amendments to reflect the relevant consultation responses is attached.

REPORT ATTACHED?

YES:

Gambling Policy
Consultation report

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report:

Signed: **Jonathan Morgan**

Head of Homes and Safer Communities

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NONE	NONE	NONE	NONE

1. Policy, Crime & Disorder and Equalities

The proposed amendments to the Gambling Policy promote the prevention of crime and disorder. The Policy complies with the Authority's duty under section 17 of the Crime and Disorder Act.

An Equalities impact assessment has been undertaken and no negative impacts have been identified.

Legal

Legal services are satisfied that the proposed amendments comply with the Gambling Act 2005 and the statutory guidance issued by the Gambling Commission.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Jonathan Morgan

Head of Homes and Safer Communities

1. Scrutiny Committee - N/A

2. Local Member(s)

Local Members were consulted through correspondence.

3. Community / Town Council

Town and Community Councils were consulted through correspondence.

4. Relevant Partners

Relevant partners were consulted through correspondence and consultation meetings.

5. Staff Side Representatives and other Organisations - N/A

**CABINET MEMBER PORTFOLIO
HOLDER AWARE/CONSULTED**

YES

The cabinet members comments are incorporated within the analysis report.

**Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:**

THESE ARE DETAILED BELOW

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Consultation Responses	Review of Gambling Policy 2021	3, Spilman Street, Carmarthen
Gambling Commission Guidance	Review of Gambling Policy 2021	3, Spilman Street, Carmarthen

This page is intentionally left blank

Gambling Policy

Gambling Act 2005

2021

carmarthenshire.gov.wales

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Page 29

Contents

Part A: Statement of Gambling Policy	3
1: The Licensing Objectives	3
2: Introduction	3
3: Declaration	4
4: Page title	5
5: Interested Parties	6
6: Exchange of Information	7
7: Enforcement	8
8: Licensing Authority Functions	9
 Part B: Premise Licences	 9
9: General Principles	9
10: Adult Gaming Centres	20
11: (Licenced) Family Entertainment Centres	20
12: Casinos	21
13: Bingo	21
14: Betting Premises	22
15: Tracks	23
16: Travelling Fairs	25
17: Provisional Statements	25
18: Reviews	26
19: Risk Assessments	28
 Part C: Permits/Temporary and Occasional Use Notices.....	 29
20: Unlicensed Family Entertainment Centre Gaming Machine Permits	29
21: (Alcohol) Licenced Premises Gaming Machine Permits	31
22: Prize Gaming Permits	32
23: Club Gaming and Club Machines Permits	33
24: Temporary Use Notices	35
25: Occasional Use Notices	35
26: Small Society Lotteries	36

Appendix

Appendix A: Delegation of Functions	37
Appendix B: Contact Details	39
Appendix C: Map of Carmarthenshire	42

PART A

Statement of Gambling Policy

1. The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives 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.**

1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.3 This licensing authority is aware that, as per Section 153, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- **in accordance with any relevant code of practice issued by the Gambling Commission;**
- **in accordance with any relevant guidance issued by the Gambling Commission;**
- **reasonably consistent with the licensing objectives and**
- **in accordance with the authority’s statement of Gambling policy.**

2. Introduction

2.1 Carmarthenshire is the third largest county in Wales in geographic terms, with a population in 2013 of 184 681. As a primarily rural area, Carmarthenshire has a strong agricultural base with a ‘necklace’ of key market towns providing for the needs of communities in those rural areas. South East Carmarthenshire is the most densely populated part of the county, and is characterised by close knit former industrial communities. A plan of the county showing individual wards is attached as Appendix C.

2.2 Currently there are 26 Gambling Premises in the County, consisting of 15 Betting Premises, 4 Bingo Premises, 4 Adult Gaming Centres, 2 Family Entertainment Centre and 1 Track Betting Licence.

2.3 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed periodically and any amended parts re-consulted upon. The statement must be then re-published. This document is

Carmarthenshire County Council's statement of principles in accordance with the Act.

2.4 This policy has been formulated as a result of a consultation exercise involving (but not limited to):-

- a) The Police
- b) Gambling Commission
- c) Other Responsible Authorities
- d) Licence Holders and their representatives
- e) Permit Holders and their representatives
- f) Local Gambling businesses and their representatives
- g) Local residents and their representatives

Due consideration has been given to all those who have responded.

2.5 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

2.6 It is noted that applicants for premises licences need to obtain operating licences from the gambling commission and have responsibilities to the Commission as a result.

3. Declaration

3.1 In producing this policy document, Carmarthenshire County Council declares that it has had regard to the licensing objectives of the Gambling Act 2005 and the guidance issued by the Gambling Commission.

3.2 Glossary of Terms

Within this Statement of Policy, the following words and terms are defined as stated:

Licensing Objectives:	As defined in section 1.1 above
Council:	Carmarthenshire County Council (hereinafter referred to as "the Council")
County	The area of Carmarthenshire administered by Carmarthenshire County Council referred to in the map attached (see Appendix C)
Licences:	As defined in Part B
Applications:	Applications for licences and permits as defined in Parts B and C

Licensing Authority	A Licensing Authority within the meaning of Section 2 of the Gambling Act 2005 (hereinafter referred to as “the Authority”)
Notifications:	Means notification of Temporary and Occasional Use Notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Carmarthenshire County Council

4. Responsible Authorities

The following are responsible authorities in relation to premises licences under the Act :-

1. The Licensing Authority in whose area the premises are wholly or partly situated (“Carmarthenshire County Council”);
2. The Gambling Commission;
3. Chief Constable of Heddlu Dyfed-Powys Police;
4. Mid and West Wales Fire and Rescue Service
5. Head of Planning, Carmarthenshire County Council or Brecon Beacons National Park Authority.
6. Public Health Services Manager, Public Protection, Carmarthenshire County Council.
7. Department for Education and Children, Carmarthenshire County Council.
8. HM Revenue and Customs.
9. In relation to a vessel, a navigation authority, Environment Agency, British Waterways Board and Secretary of State
10. Any other person prescribed in regulations by the Secretary of State

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

4.2 The principles are:

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

4.3 For these reasons, this authority designates the Department for Education and Children , Carmarthenshire County Council for this purpose.

4.4 The contact details of all the Responsible Authorities under the Gambling Act 2005 are contained in Appendix B of this Policy document and are also available via the Council's website at: www.carmarthenshire.gov.uk

5. Interested parties

5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

“For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)”.

5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.9 and 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, community councils likely to be affected will be considered to be interested parties. 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. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach councillors to ask them to represent their views then 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 please contact the **Licensing Section, Department for Communities, 3 Spilman Street, Carmarthen, SA31 1LE.**

5.3 Any community or County Councillors who are approached to represent interested persons should ensure that they comply with the Code of Conduct and seek dispensation from the Standards Committee if appropriate.

6. Exchange of Information

- 6.1 Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation 2016 and Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that it will be guided by the Gambling Commission's Guidance for local authorities, and will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
 - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
 - Consistent: rules and standards must be joined up and implemented fairly;
 - Transparent: regulators should be open, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission
- 7.5 This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.
- 7.6 Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the Licensing Section, 3 Spilman Street, Carmarthen, Carmarthenshire, SA31 1LE.

8. Licensing Authority functions

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences; for Bingo premises, Betting premises, Tracks, Adult Gaming Centres and Family Entertainment Centres.
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

8.2 It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

PART B

PREMISES LICENCES – CONSIDERATION OF APPLICATIONS

9. General Principles

9.1 Premises licences will be subject to the requirements set out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

9.2 All applicants for Premises Licences will be required to set out how they will have regard to the licensing objectives, as specified in section 1.1 above, and what measures they intend to employ to ensure compliance with them.

9.3 Decision-making

This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

9.4 It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premises when seeking variations to licenses.

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- The offer of established core products (including live event pictures and bet range)
- The provision of information of products and events
- The promotion of gambling opportunities and products
- The actual use made of betting facilities
- The size of premises
- The delivery of betting facilities

9.5 **Definition of "premises"** – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place.

But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, we will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

9.6 The Gambling Commission states in S7.6 of the fifth edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building

/ plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. S7.7 The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit”

9.7 This licensing authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

9.8 The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

9.9 The Gambling Commission's relevant access provisions for each premises type are reproduced below:

7.23:

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

Adult Gaming Centre

- No customer must be able to access the premises directly from any other licensed gambling premises

Betting Shops

- Access must be from a street (as per para 7.20 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind unless that shop is itself a licensed betting premises.

Tracks

- No customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

9.10 Premises "ready for gambling"

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

consistent with the scale of building or alterations required before the premises are brought into use.

9.11 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

9.12 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

9.13 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

9.14 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.

9.15 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This does not preclude any applications being made and each application will be decided on its merits.

9.16

When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, youth centres, vulnerable adult centres or residential areas where there is an evidential link between the proximity of such premises and the gambling premises. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. Therefore, if an Applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

9.17 Duplication with other regulatory regimes

When determining an application, the Authority shall not take into account matters not relevant under the Act such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

9.18 This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a premises is likely to be awarded planning permission or building regulations approval or comply with any existing permission or approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions, which are not able to be met by licensees due to planning restrictions, should such a situation arise.

9.19 When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

9.20 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission’s Guidance to local authorities and some comments are made below.

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

- a) This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- b) The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- c) Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the

behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

d) When preparing licence applications, applicants are advised to consider the following:-

1. The design and layout of the premises;
2. Location in so far as the location relates to the licensing objectives
3. The training given to staff in crime prevention measures appropriate to those premises;
4. 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;
5. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
6. The likelihood of any violence, public order or policing problem if the licence is granted.
7. In relation to the prevention of disorder, the Authority has the ability (under S169 of the Act) to impose licence conditions.
8. The staffs awareness of the Money Laundering Regulations and the provision of a clear procedure for reporting any suspicious activity to senior management

2. Ensuring that gambling is conducted in a fair and open way –

This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below – page 16).

3. Protecting children and other vulnerable persons from being harmed or exploited by gambling –

- a) This licensing authority has noted the Gambling Commission's Guidance for local authorities states that this objective means preventing children from taking part in gambling. The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas within the same premises, staff training and design and layout of the premises.
- b) This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- c) **Children and vulnerable persons**
 1. Children

The Gambling Act and guidance issued by the commission make detailed provision for the protection of children from gambling harm. Licence holders should familiarise themselves with these provisions.

2. Test Purchasing

The Authority supports the stance of the Gambling Commission in promoting operators to test the integrity of their age verification policies and procedures to prevent children from accessing gambling facilities. Each premises will be expected to inform their Primary Authority (where there are such agreements in place with specific operators) in writing of the approach they have adopted and share the results of such tests with the Authority annually with a view to working with the Authority to enhance robustness of procedures preventing children using gambling facilities.

Those who do not have such primary authority agreements are expected to share the results of such test purchases with this Licensing Authority.

d) Vulnerable Persons

1. As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.
2. The Authority expects all gambling premises to make available information regarding the Financial Exploitation Safeguarding Scheme (FESS) .Given the evidence of a link between gambling and financial exploitation. Further information regarding the scheme can be obtained from the Licensing Section.

e) Local Health Board Notification.

The Licensing Authority will notify the Local Health Board of applications for gambling premises licences.

f) Good Practice Guidance

Premises operators, responsible authorities and decision makers are strongly advised to consider best practice guidance when assessing the impact of granting a licence. Particular reference should be made to the following reports:-

- Welsh Government Framework on Tackling the Night Time Economy
- The Relationship Between Alcohol and Gambling behaviours - Alcohol Concern Cymru (2015)

- Gambling with Our Health – Chief Medical Officer for Wales Annual Report 2016/17

g) Training

Premises operators are advised to provide staff training that includes training on drug and alcohol related issues, particularly training on local policies for dealing with discarded needles and the risks of blood borne virus in order to protect staff. Training could also include awareness of the types of new and emerging drugs referred to as “New Psychoactive Substances” (previously “Legal Highs”) in order to better equip staff to handle use on premises. Local services can provide short, bespoke courses free to licensed premises and operators are strongly advised to contact the licensing authority for details of how to access these courses.

Premises operators are also strongly advised to promote local help services for addressing gambling, drug and alcohol issues. Details of where to obtain relevant promotional material can be obtained from the licensing authority.

h) Safeguarding

1. Carmarthenshire County Council believes that the safeguarding of Children and Vulnerable persons is a priority.
2. Carmarthenshire’s Licensing Section in conjunction with agencies, including the Gambling Commission and Dyfed Powys Police is looking to work in partnership with licensees, their staff and other organisations to ensure that premises offering gambling activities operate responsibly and with due regard to children and vulnerable persons.
3. As part of this initiative the group has produced information and training material to raise awareness of safeguarding issues, including Child Sexual Exploitation and to provide local points of contact for advice and guidance as well as to report concerns.
4. The authority recommends that businesses offering gambling activities need to ensure that their staff have been adequately trained in relation to safeguarding matters in order to respond appropriately and quickly where issues arise. This advice is equally as important to operators of premises which offer gaming machines alongside the sale or supply of alcohol.
5. The authority strongly suggests that applicants for authorisations include information regarding their arrangements for staff safeguarding training as part of the application documents.
6. Gambling businesses are advised to contact the licensing section or visit the Authority’s gambling web pages to obtain copies of the documents.

i) Bet – Watch

The Authority encourages and will support local operators to create and maintain an information sharing network to discuss issues of problem

gamblers that are identified. This will also be an opportunity for operators to discuss issues with licensing officers.

Conditions

9.21 - Any conditions attached to licences will be proportionate and will be:

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

9.22 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this licensing authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific comments made in this regard under some of the licence types below. This licensing authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the licensing objectives can be met effectively.

9.23 This licensing authority will also consider specific measures, which may be required for buildings that are subject to multiple premises licences.

9.24 Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.25 This authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:

- that all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- that only adults are admitted to the area where these machines are located;
- that access to the area where the machines are located is supervised;
- that the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- that at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

9.26 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will consider the impact upon the third licensing objective and the need to ensure

that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.27 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;
- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
- conditions in relation to stakes, fees, winning or prizes.

9.28 **Door Supervisors** - The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirement for different types of premises vary (as per the Guidance, Part 33).

9.29 However, where an applicant chooses not to engage SIA registered door supervisors this Licensing Authority will expect the applicant to describe in their application how they intend to: -

- a) Carry out Criminal Record checks (CRB) on each individual
- b) Provide details of their criminal convictions criteria
- c) Explain the proposed method of identifying these individuals when working in the capacity of door supervisors.
- d) Indicate the ratio of male and female operatives
- e) Provide details of the appropriate training for the role
- f) Provide a work register showing the duty time and date (same applies to SIA registered).

9.30 **Closed Circuit Television Systems** - This Licensing Authority recognises the value of CCTV systems in preventing crime and disorder. Applicants are advised to follow the guidance available from the Dyfed Powys Police regarding the standards and specifications of any proposed system to ensure that it is appropriate for the premises.

10. Adult Gaming Centres

- 10.1 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, for example, ensure that under 18 year olds do not have access to the premises.
- 10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:
- Adopt a proof of age scheme such as challenge 21 or 25;
 - How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed;
 - CCTV;
 - Supervision of entrances/machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices/signage;
 - Specific opening hours;
 - Self-exclusion schemes;
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

11. (Licensed) Family Entertainment Centres:

- 11.1 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. Applicants are strongly advised to refer to the safeguarding information set out on page 13 of this policy document.
- 11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However appropriate measures/licence conditions should cover issues such as:
- CCTV;
 - Supervision of entrances/machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices/signage;
 - Specific opening hours;

- 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.
- How any risks to children and vulnerable adults from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed.

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

11.3 This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

12. Casinos

12.1 There are currently no casinos operating within the county.

12.2 There is no resolution to prohibit casinos in the county at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos.

12.3 Should the Council choose to make such a resolution, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

13. Bingo premises

13.1 This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

- 13.2 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.
- 13.3 Paragraph 18.7 further states that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 13.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions should cover issues such as:
- Adopt a proof of age scheme such as challenge 21 or 25;
 - How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
 - CCTV;
 - Supervision of entrances/machine areas;
 - Physical separation of areas;
 - Location of entry;
 - Notices/signage;
 - Specific opening hours;
 - Self-exclusion schemes;
 - Provision of information leaflets / helpline numbers for organisations such as GamCare.

14. Betting premises

- 14.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. This Licensing Authority expects applicants to demonstrate suitable measures to ensure children do not have access to such machines.
- 14.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives. However, appropriate measures/licence conditions should cover issues such as:
- Adopt a proof of age scheme such as challenge 21 or 25;
 - How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
 - CCTV;
 - Supervision of entrances/machine areas;
 - Physical separation of areas;

- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

14.3 The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who shall be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

15. Tracks

15.1 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

15.2 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.

15.3 It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

15.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes, such as challenge 21 or 25;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

15.5 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

15.6 Betting machines - This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

15.7 Condition on rules being displayed - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."

15.8 This Licensing Authority will expect applicants to demonstrate how they will comply with this guide as part of their application.

15.9 Applications and plans

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

15.10 Plans – Applicants will be expected to provide a plan of the premises in a scale of 1:100 unless the Authority has agreed in writing to the applicant to accept a plan in an alternative scale. The plan should show:

- The entire boundary of the premises, and all buildings and structures within the premises.
- The location of the points of access to and egress from the premises.
- The areas to be used for gambling activities whether permanent or temporary.
- Any areas where access by children is restricted/prohibited.
- Location of any warning or information notices.
- Location of any public conveniences.
- Location of any gambling areas at the premises covered by separate licences or permits.

- The plan may include a legend through which the above matters may be identified.

15.11 This Licensing Authority is of the view that, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

15.12 This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.46).

16. Travelling Fairs

16.1 It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

16.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises

licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S.204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

17.6 In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

18. Reviews:

- 18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 18.2 The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 18.3 The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 18.4 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 18.5 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.6 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 18.7 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.8 In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

18.9 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

19. Risk Assessments

19.1 Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The Licence Conditions and Code of Practice issued by the Gambling Commission (The code) requires all operators of; Adult Gaming Centres (AGC's), Bingo Premises, Family Entertainment Centres (FEC's), Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

19.2 Operators are required by the code from 6th April 2016 to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Authority's inspection regime and may be requested when officers are investigating complaints.

19.3 Operators are strongly advised to ensure that a copy of the current premises risk assessment is kept at the premises alongside the premises licence document and made available to staff.

19.4 The code requires the Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Authority expects the following matters to be considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may reflect benefit payments and paydays.
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

19.5 The Authority expects the following matters to be considered by Operators when making their risk assessment.

Matters relating to children and young persons, including;

- Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling allies, cinemas etc.
- Any premises where children congregate including bus stops, cafés, shops, and any other place where children are attracted,
- Areas that are prone to issues of youths participating in anti social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

19.6 Matters relating to vulnerable adults, including;

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may mirror days for financial payments such as pay days or benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, places of worship, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

19.7 This list is not exhaustive and other relevant factors not in this list that are identified must be taken into consideration.

PART C

Permits/Temporary & Occasional Use Notice

20. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits – Schedule 10 paragraph 7).

20.1 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 act).

20.2 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and the Chief Officer of Police has been consulted on the application. This Licensing Authority will expect applicants to :

- Demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;

- Demonstrate that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- Demonstrate that staff are trained to have a full understanding of the maximum stakes and prizes.
- Demonstrate an understanding of safeguarding issues highlighted on page 13 of this policy.
- Provide a basic criminal record check from the Disclosure and Barring Service (DBS) or a Subject Access printout from the Police National Computer dated within one calendar month of the date of application being submitted (unless the applicant holds a current Operator's licence issued by the Gambling Commission)
- Provide plans of the premises which comply with the requirements of paragraph 15.9 – 15.10 of this policy and which illustrate the proposed locations of gaming machines and the locations of staff managing and supervising the centre.

20.3 When considering any convictions revealed in an application the licensing authority will consider the nature and relevance of the offence, how long ago it took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and “spent” convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 7 to the Gambling Act 2005.

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

20.5 **Statement of Principles** - 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.

20.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, appropriate measures / vetting of staff/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

20.7 Applicants are advised to refer to the Safeguarding advice outlined on page 13 of this Policy or contact the relevant Responsible Authorities for further guidance.

21.(Alcohol) Licensed premises gaming machine permits

21.1 Based on experience of a test purchase exercise undertaken at licensed premises in 2019 which resulted in a 100% failure rate premises licence holders are strongly advised to review and improve their staff training and the supervision of gaming machines in order to protect children from gambling harm.

Gaming Machines -Automatic Entitlement

21.2 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority and pay the prescribed fee.

21.3 The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

21.4 Gaming Machine Permit: 3 or more machines – (schedule 13 paragraph 4(1))

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives under the 2005 Act, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, 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 and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

Applicants for Licensed premises Gaming Machine Permits are therefore required to provide the following information alongside their application:-

1. A plan of the premises in accordance with paragraph 15.10 of this policy on which they shall show the proposed location of each gaming

machine along with details of the locations of supervising staff as well as Notices and signage.

2. Information regarding the nature of the premises including access to the premises by persons aged under 18.
3. Applicants are required to demonstrate that the gambling activity proposed at the premises will be incidental / ancillary to the other licensable activities at the premises.

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

21.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

21.7 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.

21.8 The Local Authority may consult the Police prior to determining any such applications.

22.Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3)).

22.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

22.2 **Statement of Principles** - Applicants should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

22.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard

to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

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

23. Club Gaming and Club Machine Permits

23.1 Based on experience of a test purchase exercise undertaken at licensed premises in 2019, which resulted in a 100% failure rate at those premises, members clubs are strongly advised to review and improve their staff training and the supervision of gaming machines in order to protect children from gambling harm.

23.2 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations.

Members Clubs and Miner's welfare institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

23.3 This licensing authority notes that the Gambling Commission's Guidance states:

25.44 The LA has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take account a number of matters as outlined in sections 25.45-25.47 of the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members.

The club must be conducted 'wholly or mainly' for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

23.4 The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police".

23.5 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). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are:

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

23.6 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

23.7

This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to children and vulnerable persons from gambling will be addressed;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;

- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

24. Temporary Use Notices

24.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

24.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

24.3 The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

24.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.

24.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

25. Occasional Use Notices

25.1 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. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

26. **Small Society Lotteries**

26.1 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

26.2 Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

Charities and community groups should contact this licensing authority on 01267 228717 for further advice.

APPENDIX A DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Council	Sub Committee	Officers
Final approval of three year Licensing policy	X		
Policy not to permit casinos	X		
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received and representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received and 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 and representations have been withdrawn
Application for a review of a premises / club licence		X	
Application for club gaming/ Club machine permits		Where objections have been made and not withdrawn	Where no objections made or where objections have been withdrawn
Cancellation of club gaming/ Club machine permits		X	
Applications for other permits		Where objections have been made and not withdrawn	Where no objections made or where objections have been withdrawn
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	
Fee setting (when appropriate)	Executive Member Board Decision Meeting		
Decision of whether a representation is irrelevant, frivolous or vexatious			X In consultation with Licensing Committee Chairperson

GAMBLING ACT 2005

GAMBLING POLICY

Appendix B

Contact Details

Licensing Authority

Licensing Section
Department for Communities
Carmarthenshire County Council
3 Spilman Street
Carmarthen
Carmarthenshire
SA31 1LE

Tel No. 01267 234567

e-mail : PublicProtection@Carmarthenshire.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel No. 0121 230 6666

e-mail: info@gamblingcommission.gov.uk

Fax No. 0121 230 6720

HMRC
The National Registration Unit
Betting and Gaming
Portcullis House
21 India Street
Glasgow
G2 4PZ

Tel No. 03000 516023

e-mail nrubetting&gaming@hmrc.gsi.gov.uk

Fax No. 03000 516249

The Relevant planning Authority

Either ,

Head of Planning
Carmarthenshire County Council

8 Spilman Street
Carmarthen
Carmarthenshire
SA31 1LQ

Tel No. 01267 242454

e-mail: Planning@Carmarthenshire.gov.uk

Or

Brecon Beacons National Park, for premises within its administrative area

Enforcement Officer
Brecon Beacons National Park Authority
Plas Y Ffynnon
Cambrian Way
Brecon
Powys
LD3 7HP

Tel No: 01874 620431

Email: planning.enquiries@breconbeacons.org

Fax: 01874 622524

Commercial Services Manager
Department for Communities
Carmarthenshire County Council
3 Spilman Street
Carmarthen
Carmarthenshire
SA31 1LE

Tel No. 01267 234567

e-mail: PublicProtection@Carmarthenshire.gov.uk

Licensing Officer
Dyfed Powys Police
Police Station
Foundry Road
Ammanford
Carmarthenshire
SA18 2LS

Tel No. 101 Ext 26464

e-mail: Mike.Price@Dyfed-Powys.pnn.police.uk

County Commander
Mid and West Wales Fire and Rescue Service
Carmarthenshire Command HQ
Lime Grove Avenue

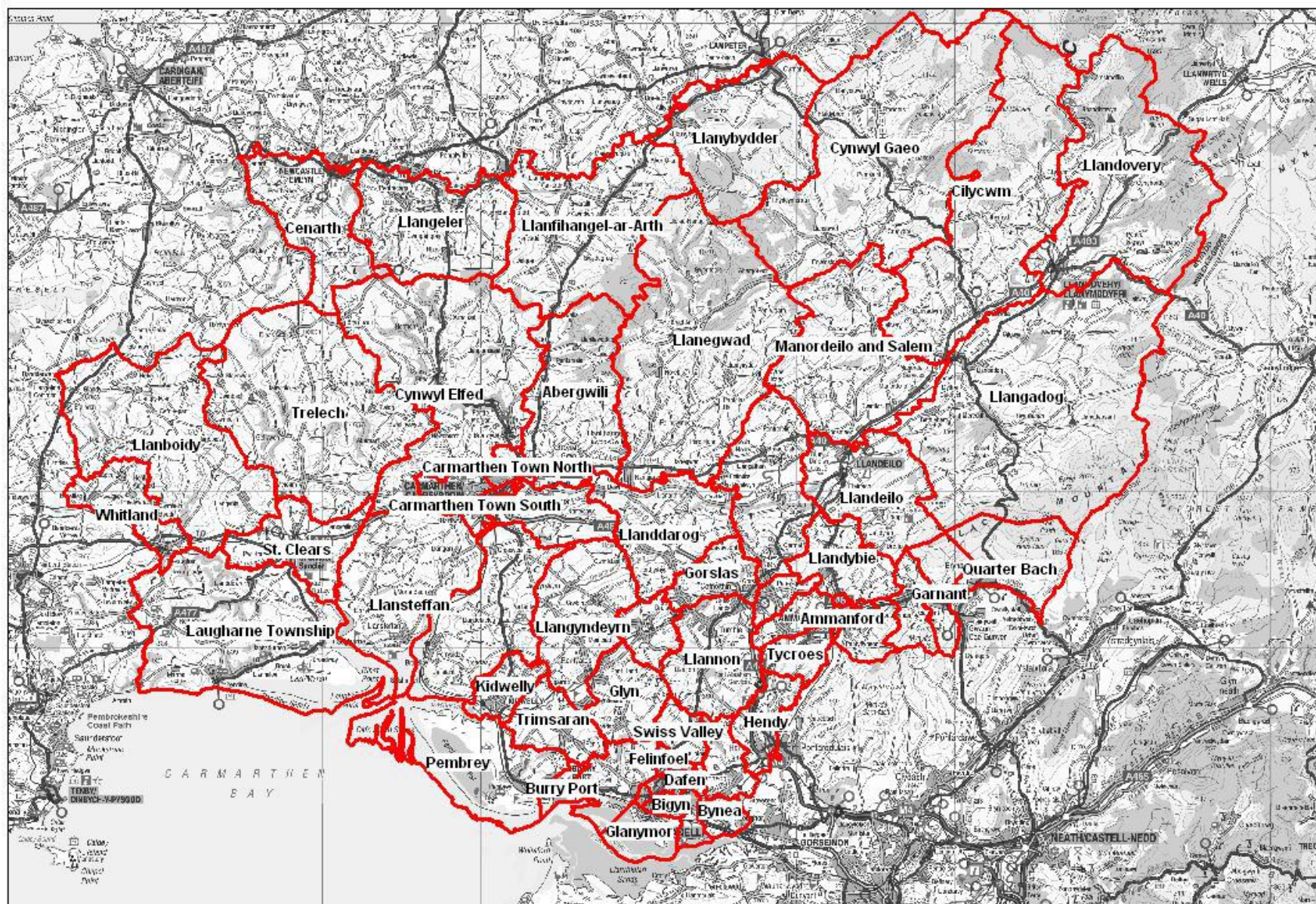
Carmarthen
Carmarthenshire
SA31 1SP

Tel No. 0870 6060699
e-mail : Mail@Mawwfire.gov.uk

Head of Children Services
Department for Education and Children
Carmarthenshire County Council
Building 2
St. Davids Park
Jobs Well Road
Carmarthen
Carmarthenshire
SA31 3HB

Tel No. 01267 246549
e-mail. Childrensocialcare@Carmarthenshire.gov.uk

Applicants for licences in respect of vessels should contact the Licensing Authority for additional information.



Review of Gambling Policy

Consultation Report

2021

carmarthenshire.gov.wales

Cyngor **Sir Gâr**
Carmarthenshire
County Council



Page 71

Contents

Introduction and context	1
Outline of approach and consultation methods	1
Key quantitative findings from the survey	4
Analysis of general comments from the survey (matrix table)	9
Summary – key changes to the gambling policy.....	17
<i>Appendix A – Gambling Policy survey</i>	<i>18</i>
<i>Appendix B – Map of Carmarthenshire’s postcode districts ..</i>	<i>22</i>

CARMARTHENSHIRE COUNTY COUNCIL

GAMBLING POLICY CONSULTATION

INTRODUCTION & CONTEXT

On a periodic basis – at least once every three years – the local authority is legally required to review its Gambling Policy under the Gambling Act 2005 to ensure fitness for purpose. Consultation is an intrinsic part of this process: the policy must be responsive to local needs, it should take under advisement comments from myriad stakeholders and seek evidence that will help evaluate progress against its statutory objectives.

To this end, a five week consultation (25th October to 21st November 2021) was held to garner views from a wide range of organisations and individuals with an interest in licensing matters. The consultation was the first opportunity that local residents, businesses, existing licence holders and their representatives have had to formally comment on the Policy since 2018.

This report, incorporating the results of the public consultation and the authority's response in summary form, will go to both the Licensing Committee and the Executive Board in February 2022 before going to full Council in March 2022.

This report:

- 1) Outlines the approach and consultation methods deployed;
 - 2) Summarises results and key findings;
 - 3) Considers free-text responses from residents, licence holders, organisations and town and community councils in a summary matrix table;
 - 4) Provides a short summary
-

1) OUTLINE OF APPROACH AND CONSULTATION METHODS

A mixed-methods approach to ascertaining views on Carmarthenshire's Gambling Policy was employed to gather quantitative and qualitative data for analytical and evaluative purposes. Specifically, the consultation focused on identifying locations where gambling and gambling-related problems were perceived to be a serious issue.

In accordance with the Gambling Act 2005, a number of statutory consultees were engaged throughout the consultation. This included:

- the Police
- the fire authority
- the Gambling Commission
- Planning
- Environmental Health
- Child Protection
- HMRC

The gambling consultation was jointly publicised with the licensing policy. Awareness was raised through use of the following consultation channels:

Publicity

The consultation was publicised through the Council's press office, through means including: press releases; information on the Council's website; online consultation portal and through social media feeds.

Survey

Surveys are a cost-effective method for finding out stakeholders' views and can be administered in a variety of different ways. An electronic survey was thus selected as the principal method for gathering data. The survey contained a number of fixed-response (closed) and free-response (open) questions. Furthermore, the survey encouraged respondents to upload/attach evidence to support their submission.

The on-line survey was made available through Carmarthenshire County Council's website. In addition to listed statutory consultees, links to the survey were circulated to members of the aging well forum, county councillors and town and community councils, gambling licence holders, licensing solicitors, MPs, AMs and the Police and Crime Commissioner. Taken as a whole, consultation invites were sent to over 1000 individuals and organisations.

The consultation exercise resulted in **72 submissions**, covering a wide section of the community. The table presented below provides a breakdown of the composition of respondents. Some have responded in a number of capacities, therefore the table presented below contains 86 responses.

Are you responding as a... (Multiple choice question)		
Member of the Public	26	37%
Premises licence holder	15	21%
Other	11	16%
Personal licence holder	9	13%
Gambling premises licence holder	5	7%
Gambling permit holder	5	7%
Club premises certificate holder	5	7%
Body representing licence holders / clubs	5	7%
Local business	4	6%
Body/ Person representing members of the Public (e.g. County councillors; Town & Community Council)	1	1%

The table below presents the areas respondents resided in. Respondents were asked to enter the first two digits of their postcode following SA. The following table presents the postcodes entered. No other postcode attracted a response.

Postcode*	Number of responses (/47)
SA14	6
SA15	11
SA16	2
SA17	1
SA18	5
SA20	1
SA31	10
SA32	3
SA33	3
SA34	5

*Note Postcode areas seen in Appendix B.

Other

Carmarthenshire's Licensing Section convened a meeting with representatives of Ceredigion, Pembrokeshire and Powys Council licensing sections as well as the Gambling Commission to discuss revisions to Gambling Policies and to adopt a consistent approach where possible.

2) KEY QUANTITATIVE FINDINGS FROM THE SURVEY

The section will be structured by considering each quantitative survey question in turn. Mention will be made of the views of different categories of respondent (i.e. Postcode area and nature of respondent), to enable comparisons to be made. In section 3, comments from the consultation will be considered separately in a matrix table, whether these have arisen through survey submission, or letter or email submissions.

*About the **Average Index Score (AIS)***

Sometimes known as a 'weighted average', the AIS is a way of distilling the 'balance and strength of opinion' down into one number. Useful for questions with options to 'strongly agree', 'disagree', etc., the technique is used throughout the report.

Example

10 people are asked whether they 'strongly agree', 'agree', 'have no opinion', 'disagree' or 'strongly disagree' that Wales will win the six nations.

Results...

3 strongly agree (each response worth 2, so=**6**)

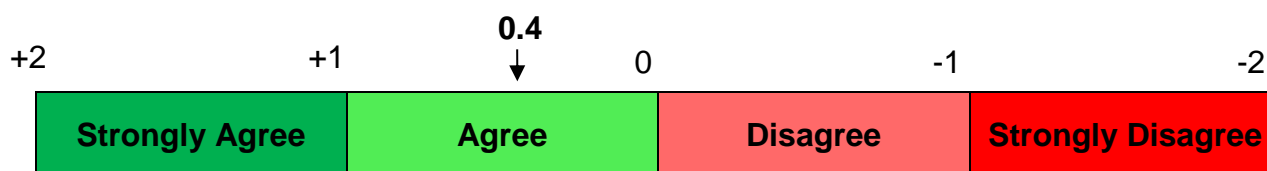
3 agree (each response worth 1, so=**3**)

1 no opinion (each response worth 0, so=**0**)

1 disagree (each response worth -1, so= **-1**)

2 strongly disagree (each response worth -2, so=**-4**)

The AIS is calculated by adding all the numbers in bold: So, $6+3+0-1-4=4$; Then dividing by the number of responses (10 in this case). The average index score is: $4 \div 10 = \mathbf{0.4}$

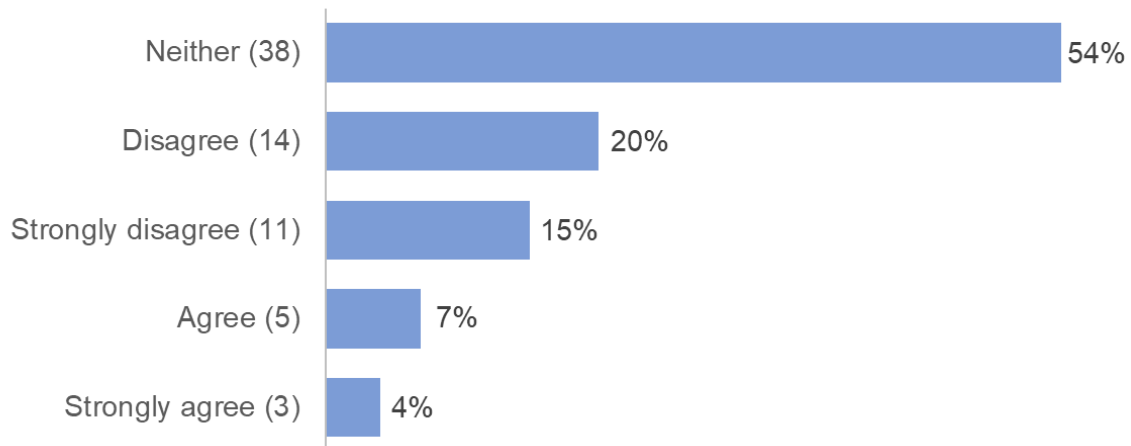


Respondents were asked to indicate the extent to which they agreed or disagreed with a series of statements about gambling – designed to produce information on the gambling-related problems across Carmarthenshire. A likert scale was used, with 'strongly agree' and 'strongly disagree' as response anchors.

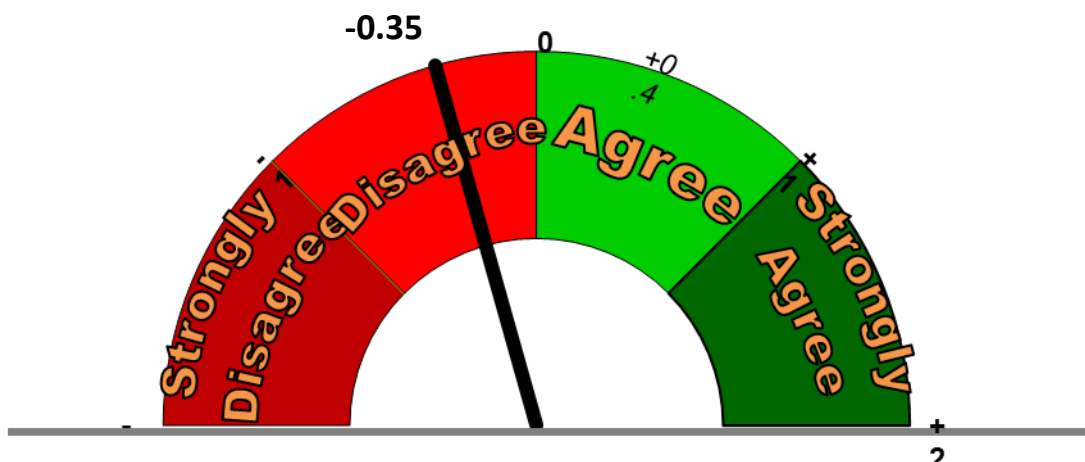
1. There are gambling related problems in my area.

Firstly, 36% of respondents disagreed (20% disagree; 16% strongly disagree) that there were **gambling-related problems in their area**. 54% of respondents reported that they 'Neither' disagreed nor agreed with this statement. This may suggest that respondents do not feel they have sufficient knowledge/information or local intelligence to make an informed judgment, thus preferring to remain neutral. It was seen that only 11% of respondents agreed with the statement with 4% of these participants strongly agreeing.

1. There are gambling related problems in my area.



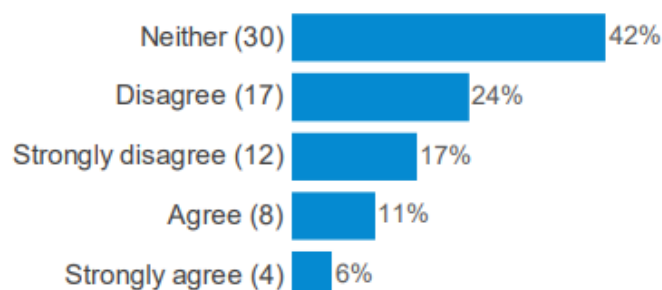
That the majority do not consider gambling-related problems to be an issue in their area is borne out by a negative Average Index Score (AIS) of **-0.35** (plotted below).



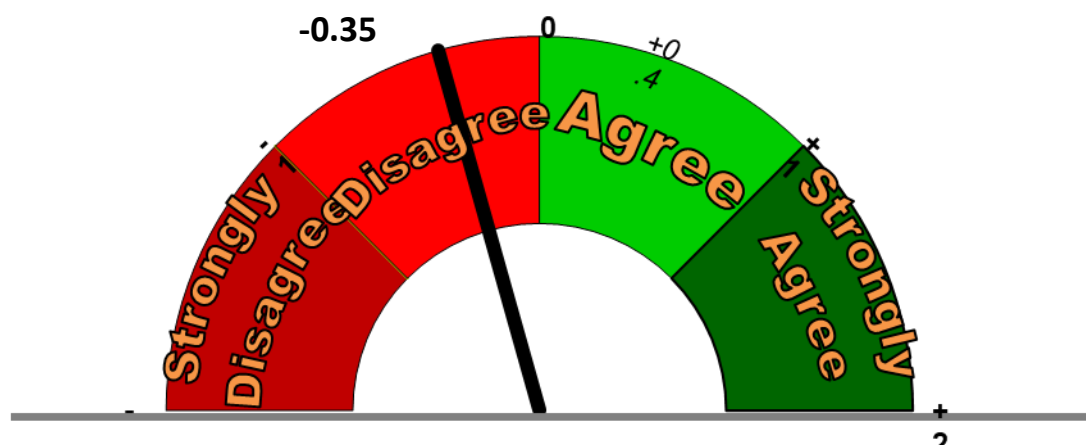
2. Access to gambling by children, young people and other vulnerable persons is a problem in my area

Next, 41% of respondents disagreed (24%) or strongly disagreed (17%) that **access to gambling by children and young people was a problem in their area**. Contrastingly, 11% agreed with this statement and 6% strongly agreed. The results can be seen in the table below. When examining the breakdown, it is clear that most individuals, organisations and businesses noted that access to gambling by children, young people and vulnerable persons is not a problem in their area.

2. Access to gambling by children, young people and other vulnerable persons is a problem in my area



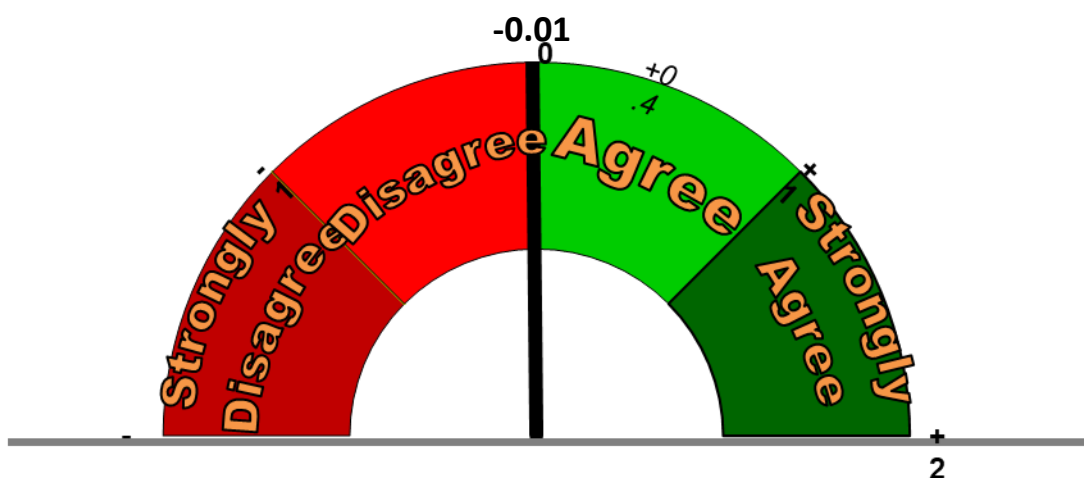
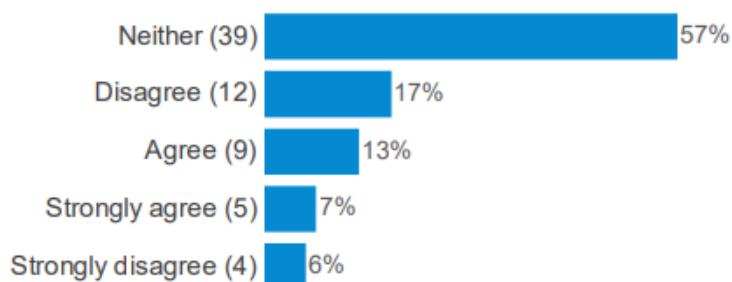
An Average Index Score of -0.35 confirms this result, with a score in the 0 – -1 range indicating disagreement.



3. I am aware of where to get advice or support locally/nationally for gambling related problems.

It was seen that 57% (N=9) respondents neither agreed nor disagreed that they were **aware of where to get advice or support locally / nationally for gambling related problems**. Again, this suggests most respondents are neutral/undecided on the matter or have insufficient knowledge or experience to form strong feelings. Additionally, 20% of respondents agree (Strongly agreed 7%; agreed 13%) with this statement. Moreover it was seen that 23% participants disagreed (6% strongly disagree; 17% disagree).

3. I am aware of where to get advice or support locally / nationally for gambling related problems.



An Average Index Score of -0.01 suggests, overall, respondents neither agreed or disagreed with the statement. Values closer to a '0' value are indicative of a fairly neutral response.

4, Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?

The graph below shows that the majority of respondents (n=69; 97%) are unaware of any problems which have occurred as a result of gambling premises being located in close proximity to sensitive buildings. Only two people responded that they were aware of problems which have occurred.

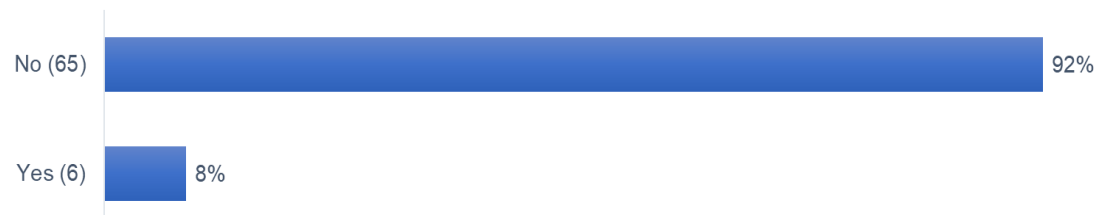
4. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?



5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?

Similar to the preceding question, 92% (N=65) were unaware of any premises in their area where problems have occurred as a result of gaming machines being made available to the public. In contrast only 9% (N=6) noted that they have experiences problems due to gaming machines being made available to the public.

5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?



3) ANALYSIS OF COMMENTS – SUMMARY MATRIX TABLE

The report now considers comments expressed in the survey's free-text questions. Note is made of the respondents' ID number (to provide a traceable record), comment(s) received, the Council's response and, where appropriate, changes to the gambling policy as a result of the consultation. Respondents that have not submitted a reply are omitted from the table.

RESPONDENT	COMMENTS	APPRAISAL	RESPONSE	CHANGES
Respondent 11	<p>Question 6</p> <p>I think it's important to recognise establishments that are well run and which keep a close eye on any gambling activities, ensuring that children do not have access to gaming machines. We consider ourselves to be such an establishment, as we do not rely on gambling as our main source of revenue. For this club, it is a sideline because our members want to play bingo and some of them also enjoy our various gaming machines. We tend to have an older clientele who would not otherwise be able to enjoy the social aspect of a game of bingo in a friendly, small scale environment. We strongly believe that a club like our should not be penalised simply because other forms of gambling cause problems.</p>	Noted	No Change required to policy	No Change

Respondent 29	<p>Question 6</p> <p>Monitoring adverts online and aimed at young adults and children</p>	Noted	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 38	<p>Question 1</p> <p>The are about the same number of betting shops in the town centre as public houses. The hours of opening are quite late and there is often parking issues in Caersalem terrace due to people placing bets late in the evening.</p> <p>Question 6</p> <p>The number of "gambling" outlets needs to be reduced, similarly the number of street side advertising. Llanelli has significant social issues and reducing the presence may prevent a recovering gambling addict being tempted back</p>	<p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>No change required to policy</p>	<p>Cannot limit number of premises.</p> <p>Cannot limit number of premises.</p>

Respondent 43	Question 6 Keep your noses out of peoples lives. Got nothing to do with you	Noted	No change required to policy	No Change
Respondent 51	Question 3 Online ability through phones	Noted.	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 54	Question 6 More accessible places for people to get support for gambling addiction. I am 24 yrs old, and have friends who gamble - they never go into any betting shops, all online/on app. Need to have more accessible and local places for them to get support.	Noted.	No change required to policy	No power to control advertising online. Online gambling controlled by the Gambling Commission.
Respondent 58	Question 3 This is an online problem and not specific to the locality. Nor is it anything that one can hold the Local Authority responsible for.	Noted	No change required to policy	No Change

	As with so many issues this is an question of balance. It must be considered that Gambling does provide much needed income for the country as well as providing an element of fun when handled correctly, an element of life that has been sorely lacking in recent years. However, there is no question that the ease of access to gambling does create problems although I believe that this is mainly due to online presence and apps rather than anything the Council has much control over.			
Respondent 66	<p>Question 1 Lots of betting shops</p> <p>Question 2 Some pubs etc have fruit machines in communal areas that aren't monitored such as entrance halls - children could access these without being stopped</p>	<p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>The Policy document has been amended to include further strong advice regarding the supervision of gaming machines</p>	<p>Cannot limit number of premises.</p> <p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p>
Respondent 67	<p>Question 2 I am a Trading Standards Officer in Carmarthenshire and undertook a an under age test purchasing survey in Oct 2019. In total, 17 premises from</p>	Noted	The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed	Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need

	across the county were visited with a 100% failure rate, with no challenge made of the young volunteers.		Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.	to improve staff training and the supervision of gaming machines.
Respondent 68	<p>Question 1</p> <p>lots of betting shops in small area</p> <p>Question 2</p> <p>lots of fruit machine in some places not supervised - could be an issue</p> <p>Question 4</p> <p>station road as an example - drug rehab place & 'half way house' in old Vista Lounge - within stones throw of several 'bookies'!</p> <p>Question 6</p> <p>encourage schools to do a session on the dangers of gambling? they concentrate on drugs, smoking etc but maybe gambling should be included</p>	<p>Noted</p> <p>Noted</p> <p>Noted</p> <p>Noted</p>	<p>No change required to policy</p> <p>The Policy document has been amended to include further strong advice regarding the supervision of gaming machines</p> <p>No change required to policy</p> <p>No change required to policy</p>	<p>Cannot limit number of premises.</p> <p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p> <p>Each application considered on their individual merits.</p> <p>Not within the scope of the Gambling Policy</p>

Respondent 70	<p>Question 6</p> <p>While physical gambling premises can be regulated locally the real issue is with the online gambling companies. While Carmarthenshire County Council can't influence policy making in regard to these establishments regrettably this is where the root of the problem lies and more actions in the form of advertising restrictions and controls are needed as well as spending caps.</p>	Noted	No change required to policy	Not within the scope of the Gambling Policy
Respondent 71	<p>Question 6</p> <p>The licensing authority undertook an underage test purchase exercise in October 2019, looking at access to gaming machines in licensed premises by persons under the age of 18. All 17 premises tested failed the exercise and were required to review and improve their staff training and supervision of Gaming Machines at the premises.</p>	Noted	The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.	Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.

Respondent 72	<p>Question 2</p> <p>The issue I have found is that we need to improve the supervision of Gaming Machines located within premises. Once these machines have been installed, the supervision especially towards young people is poor. The age verification systems can only be described as poor</p>	Noted	<p>The Policy document has been amended to reflect the findings of the test purchasing exercise undertaken at licensed Premises in 2019 and includes a statement strongly advising operators to improve staff training and the supervision of gaming machines to protect children from harm through gambling.</p>	<p>Paragraphs have been added to sections 21 and 23 of the Gambling Policy advising operators of the need to improve staff training and the supervision of gaming machines.</p>
	<p>Question 6</p> <p>As I have previously alluded to, I am aware of test purchases being conducted within Carmarthenshire during 2019. I was very disappointed at the results and the failure rates whereby such a high proportion of children were allowed access to Gaming Machines at various premises without any form of challenge regarding their ages. It was quite apparent that there was simply very little supervision of the gaming machines at the premises. Whilst there was and is no evidence of a gambling problem in the area, these premises</p>	Noted	As above	As above

	<p>need to vastly improve their supervision and challenging mechanisms. My Organisation together with the Licensing Department need to work closely with Licensed Premises which have Gaming Machines in order to improve the age verification process. this can be done through visits, campaigns, education etc. in order to improve the situation.</p>			
--	---	--	--	--

4) SUMMARY – KEY CHANGES TO THE GAMBLING POLICY

1. New paragraph inserted into section 21 (Licensed Premises Gaming Machine Permits) strongly advising licensees to improve staff training a supervision of gaming machines.
2. New paragraph inserted into section 23 (Club Gaming and Club Machine Permits) strongly advising members clubs to review and improve staff training and the supervision of gaming machines.



Gambling Act 2005 - Review of Gambling Policy Consultation Document 2018

Part 1 - About You

Are you responding as a...

- Gambling premises licence holder
- Gambling permit holder
- Premises licence holder
- Personal licence holder
- Club premises certificate holder
- Member of the Public
- Local business
- Body representing licence holders / clubs
- Body/ Person representing members of the Public (e.g. County councilors; Town & Community Council)
- Other Organisation or Group
- If responding as an organisation/business/body, please write its name here

Following 'SA', please specify the two numbers of your postcode

4	20	39
9	31	40
14	32	44
15	33	48
16	34	66
17	35	67
18	37	out of county
19	38	

Part 2

To what extent would you agree or disagree with the following statements:

1. There are gambling related problems in my area

Strongly agree Agree Neither Disagree Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

2. Access to gambling by children, young people and other vulnerable persons is a problem in my area

Strongly agree Agree Neither Disagree Strongly disagree

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

3. I am aware of where to get advice or support locally / nationally for gambling related problems.

Strongly agree Agree Neither Disagree Strongly disagree

If you agree, please give details of the services that you are aware of below

Street

Town / Village

Nature of problem

4. Are you aware of any problems that have occurred as a result of gambling premises being located in close proximity to sensitive buildings e.g. schools, sixth form colleges, children's play areas, treatment centres for drug, alcohol and other addictions?

Yes

No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of problem

5. Are you aware of any premises where problems have occurred as a result of gaming machines being made available to the public?

Yes

No

If you would like to provide specific information on any of these issues, such as past or ongoing problems, please do so below:

Street

Town / Village

Nature of Problem

6. Is there anything else that you want us to take into account when reviewing the Gambling Policy?

If you would like to attach a document to your survey response, please do so:

Part 3 - Your Details

(optional)

Name:

Address:

Tel No:

Fax:

E-mail:

Under certain circumstances, we may wish to contact you to follow-up on your response, either to ask for additional comment or to reply to the points you have raised.

Do you consent to CCC using your details in this way?

Yes - I am happy to be contacted
contacted

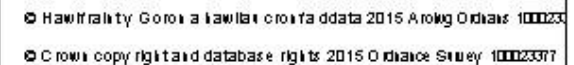
No - I do not wish to be

How we will use your information

We are collecting personal data about you on this form to comply with requirements in the Gambling Act 2005 on carrying out consultations.

This personal data will only be used for the purpose of this consultation exercise by the Licensing team and will not be shared with any other Council service or external organisation. When we publish a report on this consultation this will not contain your personal details.

To find out more about how we will use your information, including your Data Protection rights, please contact the Licensing Section on 01267 228717.



Document is Restricted

This page is intentionally left blank