



Torfaen County Borough Council

Licensing Authority

Gambling Act

Statement of Principles

Dated 15th November 2006

Further information can be obtained from:

**The Principal Licensing Officer
Torfaen Licensing Authority
PO Box 93
Cwmbran
NP44 7WZ**

Tel: 01633 648783

Fax: 01633 648017

Email: licensing@torfaen.gov.uk

Website: www.torfaen.gov.uk

This policy can also be made available in Welsh, large print or any other language on request to the Principal Licensing Officer.

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TORFAEN COUNTY BOROUGH COUNCIL LICENSING AUTHORITY

1 STATEMENT OF PRINCIPLES

1.1 Introduction

1.1.1 Torfaen County Borough Council will become the Licensing Authority under the Gambling Act 2005. This will result in the Council becoming responsible for granting premises licences in the Borough of Torfaen in respect of:-

- 1 Casino premises;
- 2 Bingo premises;
- 3 Betting premises, including tracks;
- 4 Adult Gaming Centres;
- 5 Family Entertainment Centres.

1.1.2 The Gambling Act 2005 requires the Council to prepare and publish a "Statement of Principles" that sets out the policies that the Council will generally apply to promote the Licensing Objectives when making decisions on applications made under the Act.

1.1.3 This Statement of Principles has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005. It is intended to be a discussion document leading to adoption by Torfaen County Borough Council of a formal Statement of Principles, after having due regard to any responses from those consulted on this draft statement.

1.1.4 This formal Statement of Principles will be available on Torfaen County Borough Council's website.

1.1.5 The Statement of Principles will come into effect on the date of adoption by the Council and will be reviewed as necessary, and at least every three years from the date of adoption.

1.2 Consultation

The Statement of Principles was subject to formal consultation with:-

Persons/bodies representing the interests of persons likely to be affected by this statement see below list.

The Statement of Principles will be available for public inspection on Torfaen CBC website and in Libraries.

Representatives of the holders of the various licences for premises within the Borough who will be affected by this statement and include:

Police, Fire Social Services Gamblers Anonymous Local Council of Churches Salvation Army Local Education Authority Local Health Board Probation Service M.I.N.D M.E.N.C.A.P Age Concern Woman's Aid NCH NSPCC Gwent YOT County councillors Community and Town Councils CAB GAMCARE Citizens Advice TCBC services including: Planning Food safety Development Control Planning Forward planning Public Health Education Community Safety Partnership Legal services and Trading Standards	BISL, BACTA, Racecourse Association HJM Caterers Shipleys Amusements Trade Association for UK Casinos British Holiday & Homes Parks Association Showman's Guild Mecca Bingo Rank Group Casino Operators Association Stardust Amusements Ladbrooks William Hill Alan Jenkins Owen Jenkins Bet Fred Turfmount Ltd Winning post D Toms Western leisure Adelphi Coin Equipment Quiz Time Wales Pontypool Automatics
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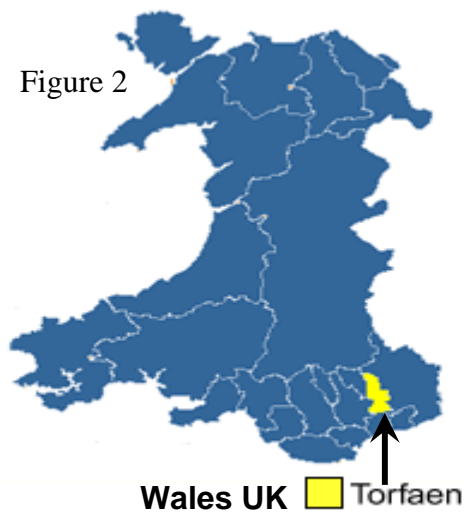
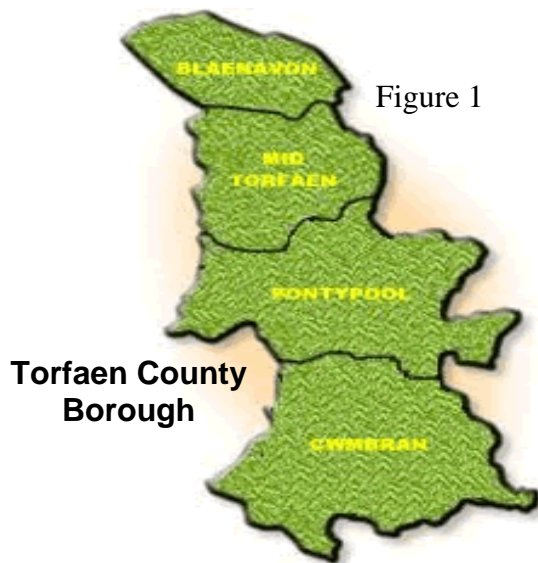
1.3 The Borough of Torfaen

Torfaen is a county borough in South Wales. It comprises of a varied 12 mile long valley from Blaenavon in the north to Cwmbran in the south. The most southerly point of Torfaen is about 15 miles North East of the capital city Cardiff and approximately 5 miles north of The City of Newport. Torfaen comprises of the communities of Blaenavon, Mid-Torfaen, Pontypool and Cwmbran. Maps of the County Borough of Torfaen (Figure 1) and its location within Wales (Figure 2) are shown below.

Cwmbran is one of the Welsh new towns and is the principal town of the Borough. It was established in the 1950s Based around the villages of Cwmbran, Pontnewydd, Upper Cwmbran, Croesyceiliog, Llantarnam and Llanyravon, it has grown into a thriving and prosperous town of 60,000 people.

Pontypool is a town of approximately 37,000 people. It is regarded as an industrial town with former industries including iron and steel production and the growth of the railways.

Blaenavon is a heritage area and has a population of approximately 5,000 people. Attractions in the town include the Big Pit mining museum and the Pontypool and Blaenavon steam railway among others.



1.4 Licensing Objectives

The Gambling Act 2005 requires that the Council carries out its various licensing functions with a view to promoting the following three licensing objectives:-

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

2. **Ensuring that gambling is carried out in a fair and open way;**
3. **Protecting children and other vulnerable persons from being harmed or exploited by gambling.**

1.5 Types of Licence

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:-

1. Premises Licences;
2. Temporary Use Notices;
3. Permits as required under the Act;
4. Registrations as required under the Act.

1.6 Licensable Premises and Permits

This statement relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:-

1. Casinos;
2. Bingo Premises;
3. Betting Premises;
4. Tracks;
5. Adult Gaming Centres;
6. Family Entertainment Centres;
7. Club Gaming Permits;
8. Prize Gaming and Prize Gaming Permits;
9. Temporary Use Notices;
10. Registration of small society lotteries.

1.7 Consultees

The act specifies that certain bodies and persons should be consulted on applications made for certain application for licences and permits made under the provisions of the act. They are called Responsible Authorities and Interested Parties. They have the right to make representations about those applications. Details of the bodies designated by the authority are detailed below : -

- Responsible Authority:** For the purposes of this Act, the following are responsible authorities in relation to premises:
1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Torfaen County Borough Council");
 2. The Gambling Commission;
 3. The Chief Officer, Heddlu Gwent Police

4. South Wales Fire and Rescue Service;
5. Development Control Manager, Planning Dept, Torfaen County Borough Council;
6. Public Health Team, Torfaen County Borough Council;
7. Commercial Services Team, Torfaen County Borough Council;
8. The Chief Officer of Social Care and Housing Torfaen County Borough Council;
9. HM Customs and Excise.

The full contact addresses can be found attached at appendix C

Interested Party:

For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application 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;
- c) Represents persons who satisfy a) or b) above this could include residents/tenants associations and trade unions.

1.8 General Principles

1.8.1 Nothing in this Statement of Principles will:-

1. Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
2. Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.

1.8.2 The starting point in determining applications will be to grant the application without conditions. Conditions will only be considered where they are needed to meet the requirements of the licensing objectives, and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the risks involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

1.8.3 All applicants for Premises Licences will be required to set out how they will promote the licensing objectives, as specified in section 1.5

above, and what measures they intend to employ to ensure compliance with them.

- 1.8.4 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, vulnerable adult centres or residential areas where there may be a high concentration of families with children. 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. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.
- 1.8.5 Licensing is about the control of licensed premises, temporary use notices or occasional use notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.
- 1.8.6 When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may by regulation provide for specified conditions to be attached to a premises licence as either “mandatory” or “default” conditions. In determining an application the Council may not have regard to the expected demand for the facilities which it is proposed to provide.
- 1.8.7 When representations are made and not withdrawn the matter will be referred to the licensing panel for determination of the granting of the licence or the imposition of additional conditions. If representations are made and an agreement is reached between the parties concerned and those representations are withdrawn, the matter may then be determined by licensing officers and may not be referred to the licensing panel.
- 1.8.8 The Council recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-
 1. Planning controls;
 2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
 3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
 4. The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

1.8.9 Objectors will be required to relate their objection to one of more of the Licensing Objectives, as specified in section 1.4 above, before the Council will be able to consider it.

1.8.10 The Council, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.

1.9 Transitional Arrangements

During the transitional arrangements period specified in the Act, a Premises Licence will be issued to persons applying under an Order made by the Secretary of State under Schedule 18 of the Act, who have supplied the required information, documentation and fee. Issue of licences will be on the basis of existing permissions being continued. If however, the Police make a representation that the conversion of an existing licence would undermine the crime prevention and disorder objective; the licence will be referred to the Council's Licensing Panel for consideration.

1.10 Information exchange

1.10.1 In fulfilling its functions and obligations under the Gambling Act 2005 the Council will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies.

1.10.2 Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

2 LEGISLATION, POLICIES AND STRATEGIES

2.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council is also bound by other legislation, including:-

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work Act 1974;
4. Environmental Protection Act 1990;

5. The Anti-Social Behaviour Act 2003;
6. The Race Relations Act 1976 (as amended);

However, the statement is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

2.2 Relationship with Planning Policies

- 2.2.1 Applicants are strongly advised to seek planning approval before submitting an application under this act. However, when determining an application, the Licensing Authority cannot take into account “irrelevant matters” such as the likelihood of the applicant obtaining planning permission or building control approval.
- 2.2.2 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.

2.3 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, in so far as they impact on the objectives of the licensing function.

2.4 Local Strategies and Policies

Where appropriate, the Council will consider applications with reference to other adopted local strategies and policies, including the following:-

- 1 The Adopted Torfaen Local Plan;
- 2 The Adopted Gwent Structure Plan
- 3 The Community Safety Strategy;
- 4 The Enforcement Policy.

2.5 Integrating Strategies

- 2.5.1 There are many stakeholders involved in the Leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders’ plans and strategies deal with matters related to the licensing function. Where this is the case, the Council will aim, as far as possible, to co-ordinate them.

2.5.2 The Council recognises in particular the importance of the co-ordination and integration of the Gambling statement of principles with other plans aimed at the management of town centres and the night-time economy, which is detailed in the Adopted Torfaen Local Plan and the Adopted Gwent Structure Plan.

2.5.3 Other relevant plans and strategies include:-

1. Crime and Disorder Strategy – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies. It will also include encouragement to comply with “*secured by design*” on all new premises.
2. Enforcement Policy – All licensing enforcement will be conducted in accordance with the Regulatory Compliance Code
3. The Planning and Public Protection Service Enforcement Procedures.
4. Racial Equality – The Council is required under race relations legislation to have due regard to the need to eliminate unlawful discrimination and to promote equality of opportunity and good relations between persons of different racial groups. The impact on these issues of the Gambling Statement of Principles will be monitored and amendments will be made as necessary.
5. Human Rights – The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a Convention right. The Council will have particular regard to the following relevant provisions of the European Convention on Human Rights:-
 - a) Article 6 that in the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law;
 - b) Article 8 that everyone has the right to respect for his home and private and family life;
 - c) Article 1 of the First Protocol that every person is entitled to the peaceful enjoyment of his or her possessions, including for example the possession of a licence.

2.5.4 In order to avoid duplication with other statutory regimes, the Council will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will

generally be considered unnecessary if they are already adequately covered by other legislation.

- 2.5.5 Non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence, but only if relevant representations are received.

3. DECISION MAKING

3.1 Committee Terms of Reference

- 3.1.1 A Licensing Panel of three Councillors will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward Councillors will not sit on a panel involving an application within their ward.
- 3.1.2 The Licensing Committee will also sit to determine general licensing matters that have been delegated to it by the full Council that are not associated with the Gambling Act 2005.
- 3.1.3 Where a Councillor who is a member of the Licensing Committee is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision making process affecting the licence in question.
- 3.1.4 Any of the functions of the Licensing Committee may be exercised by full Council and except those reserved for Licensing Committee by the Gambling Act 2005.
- 3.1.5 Every determination of a licensing decision by the Licensing Committee or a Licensing Panel shall be accompanied by clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the applicant and those who have made relevant representations as soon as practicable.
- 3.1.6 A summary of the decision shall also be posted on the Council's website as soon as possible after the decision has been confirmed. A statutory licensing register is required to be kept by the Council.
- 3.1.7 The Council's Licensing Officer will deal with all other licensing applications where either no representation has been received, or where representations have been received and it is agreed by all parties that a hearing is not necessary under the agreed scheme of delegation.

- 3.1.8 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Licensing Committee or Panel.
- 3.1.9 Where representations are rejected, the person making that representation will be given a written reason as to why that is the case.
- 3.1.10 Where a representation has been rejected by officers there is a right to appeal that decision to the Licensing Committee, there is no other right of appeal against a determination that representations are not admissible.

3.2 Allocation of Decision Making Responsibilities

- 3.2.1 The Council will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 3.2.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a panel to deal with them.
- 3.2.3 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Council Officers.
- 3.2.4 The table shown at Appendix A sets out the agreed delegation of decisions and functions to Licensing Committee, Panel and Officers.
- 3.2.5 The Chief Executive or Monitoring Officer may refer a decision of the Licensing Panel to the Licensing Committee for review. Any decision referred in such way shall not take effect until it has been considered by the Licensing Committee.

3.3 Licensing Reviews.

- 3.3.1 The Council will carry out a review of a Premises Licence where it has received a formal application for review in accordance with the Act that is relevant to one of more of the Licensing Objectives. Representations may include issues relating to the following:-
- 1 Use of licensed premises for the sale and distribution of unlawful drugs and/or the laundering of the proceeds of drugs crimes;
 - 2 Use of licensed premises for the sale and distribution of illegal firearms;
 - 3 Use of licensed premises for prostitution or the sale of unlawful pornography;

- 4 Use of licensed premises as a base for organised crime activity;
- 5 Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- 6 Use of licensed premises for the sale of smuggled tobacco or goods;
- 7 Use of licensed premises for the sale of stolen goods;
- 8 Children and/or vulnerable persons being put at risk.

3.3.2 Due consideration will be given to all relevant representations unless they fit the following:-

- a) The grounds are frivolous;
- b) The grounds are vexatious;
- c) The grounds are irrelevant;
- d) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

3.3.3 A premises licence may also be reviewed by the Licensing Authority of its own volition.

4 LOCAL STANDARDS

4.1 Provisional Statements

4.1.1 This licensing authority notes the Guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully”.

4.1.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they are matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority’s opinion reflect a change in the operator’s circumstances.

4.1.3 This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

4.2 Applications

4.2.1 An application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.

4.2.2 Applications for the grant, transfer or variation of a Premises Licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule. The applicant may ask the Council for advice as to the scope of information to be provided.

4.2.3 In all new applications and major variations an officer of the Authority will visit the premises to assess and advise on the application. This may be supported with a visit by members of the Licensing Committee.

4.2.4 The level of detail to be provided will be determined by the Authority and will be proportional to the scale and nature of the application made.

4.2.5 Definitions of "Responsible Authorities" and "Interested Parties" who are able to make representations under this Act can be found in the glossary of terms in appendix B.

4.3 Assessment of Need

4.3.1 Unmet demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005.

4.4 Conditions

4.4.1 Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will take into account the guidance issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

4.4.2 Conditions attached to Premises Licences will, so far as possible, reflect local crime prevention strategies. For example, closed circuit television cameras may be appropriate in certain premises.

4.5 Enforcement

- 4.5.1 The Council is a signatory to the Regulatory Compliance Code and will follow the principles set out in it. The code is based around the principles of consistency, transparency and proportionality.
- 4.5.2 The Regulatory Compliance Code (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to Panel, the issue of a Formal Caution or a referral for prosecution.
- 4.5.3 The Council intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises are monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.
- 4.5.4 The Council will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with Heddlu Gwent police, Torfaen Trading Standards Department and South Wales Fire and Rescue Service on enforcement issues to ensure an efficient deployment of police and council officers.

4.6 Adult Gaming Centres

- 4.6.1 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.
- 4.6.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures / licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Category of gaming machine clearly displayed on each machine
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for

organisations such as GamCare.
This list is not mandatory, nor exhaustive, and is merely indicative of example measures

4.7 (Licensed) Family Entertainment Centres:

4.7.1 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.

4.7.2 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:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Category of gaming machine clearly displayed on each machine
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

4.7.3 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.

4.8 CASINOS

4.8.1 There are currently no casinos operating within the Borough.

4.8.2 Following considerable debate at full council on the 24th October 2006 a resolution was passed not to permit casinos within the County Borough of Torfaen. This resolution may be reviewed as necessary and at least every 3 years in line with the Gambling Act 2005 and the

Statement of Principles. There is no right of appeal against this resolution.

4.9 BINGO PREMISES

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

4.9.2 It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

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

4.9.3 This licensing authority is also aware that the Gambling Commission is going to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. This guidance will be considered by this licensing authority once it is made available.

4.10 BETTING PREMISES

4.10.1 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.

4.10.2 The operator should have regard for best practice issued by organisations that represent vulnerable people and gambling machines such as FOBT should clearly display the odds. Machines should display notices for help organisations e.g. GAMCARE.

4.10.3 All ATM or cash terminals to be located separately from the gaming machines, so that clients will have to leave the machine for more funds. They should also display notices with contact for help organisations.

4.11 TRACKS

4.11.1 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.

4.11.2 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. 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.

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

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Category of gaming machine clearly displayed on each machine
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 4.11.4 *Gaming machines* - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority notes the Commission's Guidance that licensing authorities therefore need to consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 4.11.5 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 4.11.6 *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."
- 4.11.7 *Applications and plans* - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

4.11.8 This licensing authority also notes that in the Commission's view, 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.

4.12 TRAVELLING FAIRS

4.12.1 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.

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

4.12.3 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.

4.13 PRIZE GAMING PERMITS

4.13.1 The council will only accept applications for Prize Gaming Permits on receipt of a completed application which will include plans of the premises, where the gaming is to take place, a certificate of public liability insurance for the event. The application form will specify full details of the nature and type of gaming proposed including the stake and value of prizes, where in what and proportion the proceeds of the gaming is to be allocated or donated.

4.13.2 The council will grant the permit providing that the applicant can demonstrate that the gaming is within the regulations set out under the act and that the gaming is within the law.

4.13.3 The council will consult the chief officer of police about the application and will take any objections on any of the licensing objectives into account when determining whether to grant or refuse to grant the permit.

4.13.4 The council will notify the applicant immediately if they intend to refuse to grant the permit and give reasons for the decision and shall give the applicant the opportunity to make representations orally in writing or

both. The applicant has a right of appeal as set out in part 12 of the Gambling Commission Guidance.

4.14 UNLICENSED FAMILY ENTERTAINMENT CENTRES (FECS)

4.14.1 Unlicensed Family Entertainment Centres (FECs) may be operated under a permit which the council may grant for category D gaming machines only. The premises must be for the specific purpose of gaming and would therefore exclude any premises primarily used for any other purpose e.g. canteens, fast food take aways, shops and taxi offices.

4.14.2 The application for a permit must include a full schedule of the provisions the operator intends to make to protect children and vulnerable persons from being harmed, a certificate of public liability insurance and a plan of the premises.

4.14.3 The council will grant the permit providing that the applicant can demonstrate that.

- A full understanding of the maximum stakes and prizes of the gambling permissible for FECs;
- That the applicant has no relevant convictions (See schedule 7 of the act); and
- Staff are trained to have a full understanding of maximum stakes and prizes.

4.14.4 The council will consult the chief officer of police about the application and will take any objections on any of the licensing objectives into account when determining whether to grant or refuse to grant the permit.

4.14.5 The council will notify the applicant immediately if they intend to refuse to grant the permit and give reasons for the decision and shall give the applicant the opportunity to make representations orally in writing or both. The applicant has a right of appeal as set out in part 12 of the Gambling Commission Guidance.

4.15 ALCOHOL LICENSED PREMISES GAMING MACHINE PERMITS

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

4.15.2 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*” 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 harmed 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 be help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

4.15.3 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.

4.15.4 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.

4.15.5 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.

4.16 CLUB GAMING AND CLUB MACHINES PERMITS

4.16.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines 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. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

4.16.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

4.16.3 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.

4.16.4 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 ground upon which an authority can refuse a permit are reduced." and "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."

4.16.5 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.

5 TEMPORARY USE NOTICES

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this guidance. 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", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities should be ready 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."

6 OCCASIONAL USE NOTICES

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

LICENSING OBJECTIVES

7 PREVENTION OF CRIME AND DISORDER OBJECTIVE

- 7.1 The Council places a considerable importance on the prevention of crime and disorder, and will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the borough. A high standard of control is therefore expected to be exercised over licensed premises.
- 7.2 The Council will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.
- 7.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Heddlu Gwent Police before making a formal application.
- 7.4 In considering licence applications, the Council will take into account the following:-
 - 1 The design and layout of the premises;
 - 2 The training given to staff in crime prevention measures appropriate to those premises;

- 3 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;
- 4 Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- 5 The likelihood of any violence, public order or policing problem if the licence is granted.

8 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the purview of the Gambling Commission.

9 PROTECTION OF CHILDREN AND OTHER VULNERABLE PERSONS

9.1 Access to Licensed Premises

- 9.1.1 With limited exceptions, the access of children and young persons to those gambling premises which are adult only environments will not be permitted.
- 9.1.2 The Council will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 9.1.3 The Council will consult with the Chief Officer of Social Care and Housing on any application that indicates there may be concerns over access for children or vulnerable persons.
- 9.1.4 The Council will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:-
 1. Supervision of entrances;
 2. Segregation of gambling areas from areas frequented by children;
 3. Supervision of gaming machines in non-adult gambling specific premises.
- 9.1.5 The 2005 Act provides for a Code of Practice on access to Casino premises by children and young persons and the Council will work

closely with the Police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children

9.2 Vulnerable Persons

9.2.1 The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

1. People who gamble more than they want to;
2. People who gamble beyond their means;
3. People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

10 COMPLAINTS AGAINST LICENSED PREMISES

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

10.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Council may initially arrange a conciliation meeting to address and clarify the issues of concern.

10.3 This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

10.4 Due consideration will be given to all relevant representations unless they fit the following:-

- g) The grounds are frivolous;
- h) The grounds are vexatious;
- i) The grounds are irrelevant;
- j) The grounds will not cause the Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- k) The grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- l) The grounds are substantially the same as representations made at the time the application for a premises licence was considered.

5 FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Licensing Policy or the application process can be obtained from:-

The Principal Licensing Officer
Torfaen Licensing Authority
PO Box 93
Cwmbran
NP44 7WZ
Tel: 01633 648783
Fax: 01633 648017
Email: commercial.licensing@torfaen.gov.uk
Website: www.torfaen.gov.uk

Information is also available from:-

Gambling Commission
Berkshire House
168-173 High Holborn
London
WC1V 7AA
Tel: 020 7306 6219
Website: www.gamblingcommission.gov.uk

The Department for Culture, Media and Sport
2-4 Cockspur Street
London SW1Y 5DH
Website: www.culture.gov.uk

APPENDIX A

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	PANEL	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate			X (to be approved by Executive Councillor)
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary			X

use notice			
Decision to give a counter notice to a temporary use notice		X	

GLOSSARY OF TERMS

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

Licensing Objectives:	As defined in section 1.4 below
Council:	Torfaen County Borough Council
Borough:	The area of Torfaen is administered by Torfaen County Borough Council.
Licences:	As defined in section 1.4 below
Applications:	Applications for licences and permits as defined in section 1.4 below
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, including a vehicle, vessel or moveable structure
Gambling Commission Guidance:	Means the Guidance to Licensing Authorities issued by the Gambling Commission in April 2006 and any subsequent review.
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 Torfaen County Borough Council
Responsible Authority:	Means a body specified by the act make a representation on any of the licensing objectives for applications made for some licences or permits. See section 1.7 below.
Interested Party:	Means, a person who lives or has a business interest if, in

the opinion of the Licensing Authority, close enough to the relevant premises and could include trade associations and trade unions. They may make a representation about the granting of the licence or permit. Also see section 1.7.

Contact details for consultees:

<p>The Gambling Commission; Victoria Square House Victoria Square Birmingham B2 4BP</p> <p>The Chief Officer of Police FAO The licensing Officer Heddlu Gwent police B Divisional Headquarters Glantorfaen road Pontypool Torfaen NP4 6YN</p> <p>Chief Fire Officer South Wales Fire and Rescue Dynevor Street Merthyr Tydfil CF48 1BA</p> <p>Her Majesties Revenue and Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ</p>	<p>Development Control Manager, Planning Dept, Planning and Public Protection Service Torfaen County Borough Council; County Hall Cwmbran NP44 2WN</p> <p>Public Health Team, Planning and Public Protection Service Torfaen County Borough Council; County Hall Cwmbran NP44 2WN</p> <p>Commercial Services Team, Planning and Public Protection Service Torfaen County Borough Council; County Hall Cwmbran NP44 2WN</p> <p>The Chief Officer of Social Care and Housing Torfaen County Borough Council; County Hall Cwmbran NP44 2WN</p>
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