



LICENSING AND GAMBLING ACTS COMMITTEE

IMMEDIATELY FOLLOWING REGISTRATION & LICENSING COMMITTEE

MONDAY, 10 AUGUST 2015

COMMITTEE ROOMS 1/2 - PORT TALBOT CIVIC CENTRE

PART 1

1. To receive any declarations of interest from Members.

Report of the Head of Legal Services.

2. Licensing Act 2003 - Review of Licensing Act Policy (*Pages 3 - 38*)
3. Gambling Act 2005 - Review of Statement of Principles (*Pages 39 - 78*)
4. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

S.Phillips
Chief Executive

Civic Centre
Port Talbot

Tuesday, 4 August 2015

Committee Membership:

Chairman: Councillor H.G.Rawlings

Vice Chairman: Councillor H.M.Bebell

Members: Councillors J.R.Bryant, J.S.Evans, R.James,
A.Jenkins, Mrs.D.Jones, E.E.Jones, J.Miller,
D.M.Peters, C.Morgan, Ms.C.Morgans, J.Warman,
D.Whitelock and Mrs.A.Wingrave

c.c. Superintendent of Police, Neath
Chief Fire Officer, Neath

FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

10th August 2015

SECTION A - MATTER FOR DECISION

WARDS AFFECTED: All

1.0 Licensing Act 2003 – Review of Licensing Act Policy

1.1 Purpose of Report

To consider the draft Licensing Act Policy 2016, prior to submission to Council.

1.2 Background

The Council as the Licensing Authority under the provisions of the Licensing Act 2003 is required to adopt a Licensing Policy, setting out how it will deal with various applications for licences and permits.

The current Licensing Policy was approved by Council in December 2010. The Licensing Act 2003 requires that the Policy is reviewed at least every five years and it is now necessary for review of the document to meet this requirement.

The draft Licensing Policy has been amended to take account of changes in the legislation and revised guidance issued by the Home Office. Amendments to the Policy are underlined in the draft document attached at appendix 1 of the report.

The Policy must be considered and approved by the Full Council, although at this stage approval is only being sought for issuing the revised Policy for consultation.

The views of members are sought in respect of any changes or amendments necessary prior to submission of the document to Council for approval to begin the consultation process.

1.3 Consultation

It is considered that the consultation process should be as wide ranging as possible, and allow adequate time for responses to be submitted, following which comments by consultees and any appropriate revisions to the document will be brought back to a meeting of Council for consideration.

A list of those organisations / agencies to be consulted are indicated in the policy document at paragraph 2.3.

1.4 Equality Impact Assessment

A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this policy does not require an Equality Impact Assessment.

1.5 Recommendation

That members consider whether to amend the draft Licensing Policy prior to submission to Council.

1.6 List of Background Papers

Section 182 Guidance issued by the Home Office
Equality Impact Screening Assessment

1.7 Wards Affected

All

1.8 Officer Contact

Neil Chapple
Licensing Manager
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Email: n.chapple@npt.gov.uk



NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

LICENSING ACT 2003

STATEMENT OF LICENSING POLICY

Effective from <Insert date> January 2016

**Licensing Section
Neath Port Talbot County Borough Council
Civic Centre
Port Talbot
SA13 1PJ**

**Tel: 01639 763050
Fax: 01639 763059
e-mail licensing@neath-porttalbot.gov.uk**

**Further copies may be obtained from the above address, or from
the website www.npt.gov.uk/licensing.**

Approved by Council <insert date>

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
STATEMENT OF LICENSING POLICY

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EXECUTIVE SUMMARY

The Licensing Act 2003 came into force on 24th November 2005.

The Act radically changed the licensing system by incorporating the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment into one licence.

The Neath Port Talbot Council became the Licensing Authority and with it the responsibility for the issuing of licences. This resulted in a significant reduction in red tape and bureaucracy for applicants for a range of licences. The Act also dispensed with fixed operating hours and this brought the opportunity for greater flexibility in operating premises to meet individual requirements as well as providing advantages in respect of the economy and tourism in Neath Port Talbot.

The Neath Port Talbot Council as Licensing Authority is required to review its licensing policy every five. The document comprises the Statement of Policy and appendices.

The Statement of Policy describes how the authority will deal with applications for various licences. It specifies the information the Licensing Authority will require, and provides guidance as to what applicants should take into account, when completing their application. In particular it deals with the four licensing objectives and gives advice on how these can be promoted by the applicant.

Information in respect of the processes and fees involved in applying for various licences and permissions can be obtained from the Licensing Authority's webpage at www.npt.gov.uk/licensing or alternatively by speaking to the Licensing team on 01639 763050.

**NEATH PORT TALBOT COUNTY BOROUGH
COUNCIL
CYNGOR BWRDEISREF SIROL CASTELL-NEDD PORT
TALBOT**

STATEMENT OF LICENSING POLICY

1.0 Introduction

1.1 Neath Port Talbot County Borough Council (“the Council”) is the Licensing Authority under the Licensing Act 2003 (“the Act”). Under the Act the Licensing Authority is responsible for licensing the following activities:

- The sale by retail of alcohol both ‘on’ and ‘off’ premises
- The supply of alcohol by or on behalf of a club
- The provision of regulated entertainment.
- The provision of late night refreshment

2.0 The Policy

2.1 This policy is the “Statement of Licensing Policy” that sets out the policies the Licensing Authority will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

2.2 This policy is prepared under Section 5 of the Act and was approved by the full Council of Neath Port Talbot County Borough Council on the ** November 2015. It will be kept under review and as a minimum will be reviewed no later than 2020, with a new policy in place by January 2021.

2.3 Before publishing this Statement of Policy, the Licensing Authority has consulted with and considered views of a wide range of people and organisations including:

- Representatives of local business
- Local residents and their representatives
- Town and Community Councils
- Local members of Parliament
- The Responsible Authorities, namely:
 - South Wales Police
 - Mid and West Wales Fire and Rescue Service
 - Local Health Board

- NPTCBC – Environmental Health
- NPTCBC – Planning
- NPTCBC – Trading Standards
- NPTCBC – Children Services
- NPTCBC – Health and Safety
- Western Bay Safeguarding Authority

2.4 It has been prepared in accordance with the provisions of the Act and the revised guidance issued under Section 182 of the Act in March 2010. The Licensing Authority may depart from this policy, if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives. In these circumstances the Licensing Authority will give full reasons for departing from the policy.

2.5 The Act requires the Licensing Authority to carry out its licensing functions so as to promote the following four licensing objectives:
The prevention of crime and disorder

- Public safety
- The prevention of public nuisance
- The protection of children from harm

Each objective is of equal importance and are paramount considerations when dealing with licence applications.

3.0 Main Principles

3.1 When considering an application the Licensing Authority will take into account all relevant representations and also this Statement of Licensing Policy.

3.2 Nothing in this Statement of Policy will

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

3.3 The Act allows the Licensing Authority to attach conditions to licences, certificates, and permissions that will cover matters consistent with the operating schedule and, which are within the control of individual licensees. This includes the premises and the vicinity of the premises. The Licensing Authority will only attach conditions which are necessary for ensuring that the licensing

objectives are met. The Licensing Authority will use their discretion in appropriate cases.

- 3.4 The Licensing Authority may also attach conditions following representations from responsible authorities and interested parties and which have been established as necessary at a hearing or have been agreed with the applicant for the promotion of the licensing objectives. Any conditions will relate only to matters which are within the control of the licensee and can relate to the premises or its immediate vicinity.
- 3.5 Where there are no representations made to the Licensing Authority, it will grant the application, subject only to conditions consistent with the operating schedule and any mandatory conditions.
- 3.6 When considering whether to attach conditions, the Licensing Authority 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.
- 3.7 The Licensing Authority acknowledges that the licensing function is not the primary mechanism for the general control of anti-social behaviour by individuals, once they are beyond the direct control of the licensee of any premises concerned. Nonetheless it is a key aspect of such control and licensing will play a significant part in the management of the 'night time' economy. Conversely the Licensing Authority considers that licensees can reasonably be expected to control matters within their premises, and to take steps to avoid potential or anticipated anti-social behaviour from clients within or leaving the premises. The Licensing Authority will therefore attach conditions to licences, in accordance with the operating schedule, and/or following representations where it considers it necessary and appropriate, with a view to minimising anti-social behaviour within or in the vicinity of premises.
- 3.8 It is also recognised that licensing is not the only means of addressing issues of anti-social behaviour, or for securing the licensing objectives. Other means include:
- Planning controls
 - Measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other Council departments, e.g. Town Centre Forum
 - Designation of parts of the county borough as places where alcohol may not be consumed publicly

- Regular liaison with the police on law enforcement issues regarding disorder and anti-social behaviour, including the issue of fixed penalty notices, prosecution of those selling alcohol to people who are drunk; confiscation of alcohol from adults and children in designated areas and instantly closing down licensed premises or temporary events on the grounds of disorder, or likelihood of disorder or excessive noise from the premises
- Issues may also continue to be addressed after the grant of a licence as this may be particularly relevant where circumstances change.

3.9 The Licensing Authority will continue to work in partnership with the police, local businesses and residents with a view to promoting the objectives. It is considered that such partnerships are vital for the achievement of the licensing objectives.

4.0 Integration

4.1 The Licensing Authority will, in order to promote the licensing objectives, endeavour to secure proper integration with local crime prevention, planning, transport, tourism and cultural strategies and any other plans introduced for the management of the county borough and its night time economy.

4.2 The Licensing Authority will consult with all relevant parties to ensure full consultation on the continued development and review of the Licensing Policy to ensure that no conflict arises between such documents and to ensure a consistent approach.

4.3 The Licensing Authority will following representations consider attaching conditions to premises licences and club premises certificates, which reflect local crime prevention strategies, e.g. CCTV cameras in premises.

4.4 The Licensing Authority will seek to develop strategies with the police, and other agencies with a view to achieving swift dispersal of persons from the town centres to avoid disorder and disturbance.

4.5 The Licensing Authority will ensure that the Licensing Committee should be advised as appropriate in respect of reports on:

- (1) the needs of the local tourist economy for the area
- (2) the employment situation and the need for new investment and employment where appropriate.

4.6 The Licensing Authority acknowledges that there must be proper separation of the planning, building control and licensing functions

and that licensing applications will not be a re-run of the planning application.

4.7 The Licensing Committee will, where appropriate, provide reports to the Planning Committee in respect of licensed premises in the area, including the general impact of alcohol related crime and disorder.

4.8 The Licensing Authority will only attach conditions to premises licences and club premises certificates, following representations. The Licensing Authority will only consider conditions which are necessary to promote the licensing objectives and will not seek to duplicate the requirements of other legislation, e.g. Regulatory Reform (Fire Safety) Order 2005.

5.0 Duplication

5.1 The Licensing Authority will avoid as far as possible any duplication with other regulatory regimes.

5.2 Where legislation is already in force which relates to the four licensing objectives, further controls which duplicate these legal requirements will not be enforced through licence conditions, e.g. Fire Safety and Health & Safety at Work legislation

5.3 In particular, Planning, Building Control and Licensing regimes will be properly separated to avoid duplication and inefficiency. Licensing applications will not be a re-run of a planning or building control application and the licensing decisions will not cut across decisions taken by a planning committee or permissions granted on appeal. There is no legal basis for the Licensing Authority to refuse an application because it does not have planning or building control permission.

6.0 Enforcement

6.1 The Licensing Authority has established protocols with the police and other responsible authorities with regard to enforcement issues. These protocols will include targeting agreed problem and high-risk premises. Resources in general will therefore be directed at these targeted or high-risk premises.

6.2 The Licensing Authority will undertake routine inspections of premises to ensure compliance with their operating schedule and conditions. Inspections will be carried out on a risk based inspection

programme, where premises which present as higher risk will incur more frequent inspections.

6.3 In general, action will only be taken in accordance with the Licensing Authority's own enforcement policy. To this end the key principles of consistency, transparency, and proportionality will be maintained.

7.0 Licensing Committee and Delegation of Powers

7.1 The Licensing Authority in order to meet its wide-ranging licensing function has established a Licensing Committee to administer them.

7.2 The Licensing Committee comprises fifteen members.

7.3 In order for the Committee to carry out its responsibilities in an efficient and effective manner, it has delegated certain decisions and functions to a Sub Committee of three members.

7.4 Administrative and or non-contentious matters are delegated to officers. Where, under the provision of the Act, there are no relevant representations on an application, these matters will be dealt with by officers.

7.5 Such matters will be reported to the Licensing Committee for information and comment only.

7.6 Officers may in any case refer an application to the Sub Committee, or the Sub Committee to the main Committee where it is deemed appropriate.

7.7 In the interests of good governance, where a Councillor who is a member of a Licensing Committee or a Licensing Sub-Committee has had a direct or indirect pecuniary or personal interest in any matter before them they will be disqualified from any involvement in the decision-making process affecting the licence.

7.8 Every determination of a licensing decision by the Licensing Committee or a Licensing Sub- Committee shall be accompanied with reasons for the decision.

8.0 Responsible Authorities & Other Persons

8.1 The Act specifies the responsible authorities that must be fully notified of applications and that are entitled to make representations to the licensing authority in relation to the application for the grant, variation or review of a premises licence or club premises certificate.

8.2 The responsible authorities are:

- the relevant licensing authority and any other licensing authority in whose area part of the premises is situated;
- the chief officer of police;
- the local fire and rescue authority;
- the relevant enforcing authority under the Health and Safety at Work etc Act 1974;
- the local authority with responsibility for environmental health;
- the local planning authority;
- a body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm;
- each local authority's Director of Public Health (DPH) in England and Local Health Boards (in Wales); and
- the local weights and measures authority (trading standards).

8.3 The Licensing Authority recognises the Western Bay Safeguarding Board as the body representing those responsible for matters relating to the protection of children from harm.

8.4 The Licensing Authority is a responsible authority under the Act. The Licensing Authority has delegated this function to the post of Senior Licensing Officer, who will make representations (where appropriate) in respect of various applications.

8.5 The Licensing Authority will not generally act as a responsible authority on behalf of other parties (for example, local residents, local councillors or community groups) although the Licensing Authority reserves the right to do so in certain circumstances.

8.6 The Licensing Authority will expect that other responsible authorities should intervene where the basis for the intervention falls within the remit of that other responsible authority.

- 8.7 A current list of all contact addresses for the responsible authorities can be found on the Licensing Authority's website at www.npt.gov.uk/licensing
- 8.8 Any other person can also play a role in a number of licensing processes, this includes an individual, body or a business. Other persons can make representations in respect of applications for the grant, variation, minor variation or review of premises licence or club premises certificate. In addition other persons may themselves seek a review of a licence.
- 8.9 Representations must be 'relevant' in that it relates to one or more of the four licensing objectives. The Licensing Authority will disregard representations that are considered frivolous, vexatious or in the case of a review repetitious.

THE LICENSING OBJECTIVES

9.0 Licensing Objectives – General

- 9.1 The Licensing Authority will carry out its functions under the Licensing Act 2003 with a view to promoting four licensing objectives. These are:
- The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 9.2 Each objective is of equal importance, and the four objectives will be paramount considerations for the Licensing Authority at all times.
- 9.3 It is for the applicant to decide what, if any, measures to suggest in its operating schedule in order to address any potential concerns that might arise in the promotion of the licensing objectives. Applicants are reminded that measures proposed in the operating schedules will be converted into conditions on their licence.
- 9.4 The Licensing Authority recommends that applicants risk assess their operation against the four licensing objectives to identify potential areas of concern.
- 9.5 Applicants are reminded that responsible authorities or other persons may make representations if they feel that the applicant's proposals do not adequately promote the licensing objectives. An applicant who proposes no measures to promote the licensing objectives may therefore face more representations than an applicant who risk assesses their operation and proposes appropriate and proportionate measures.
- 9.6 The Licensing Authority recommends early consultation with responsible authorities with a view to reaching agreement on measures to be proposed

10.0 Crime and Disorder

- 10.1 The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County Borough. The Licensing Authority is required therefore to have particular regard to the likely impact of licensing on crime and disorder. The nature or type of premises, its location,

the hours of operation, its impact on the area, the operation and management of premises are all significant factors, which can impact on crime and disorder. All applications for licences or certificates including renewals and variations will be expected to have addressed these matters within the operating schedule

- 10.2 Neath Port Talbot County Borough Council is committed to improving the quality of life for its residents, by continually striving to reduce crime and the fear of crime.
- 10.3 The Licensing Authority acknowledges that licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a significant source of crime and disorder problems. The Licensing Authority expects the licensing trade to fully co-operate and play its part in minimising crime and disorder.
- 10.4 Applicants for licences to sell alcohol should ensure that the operating schedule specifies the designated premises supervisor. The designated premises supervisor normally has day-to-day responsibility for the running of the premises, and as such the Licensing Authority anticipates that they would be present on the premises on a regular basis.
- 10.5 In the absence of the DPS, a personal licence holder should be present when alcohol is available for sale. Notwithstanding the above, it is acknowledged that this does not preclude the personal licence holder from authorising a person to sell alcohol in their absence for short periods. It is expected however that these authorisations are in writing and that the person(s) authorised are clearly identified. The authorisation should specify the acts which may be carried out by the person(s). There should be an overt act of authorisation, e.g. a specific written statement given to the person(s) being authorised.

It is expected also that there is in place sensible arrangements for the personal licence holder to monitor the activity on a reasonably regular basis.

- 10.6 There are many steps an applicant may take to prevent crime and disorder. The Licensing Authority will look to the Police for the main source of advice on these matters. In accordance with the Secretary of State's Guidance, Police views on matters relating to crime and disorder will be given considerable weight.

- 10.7 If relevant representations are made in relation to a premises licence or club premises certificate, the Licensing Authority will consider whether it is necessary to impose conditions to regulate behaviour on the premises and access to them where this relates to licensable activities, and the licensing objectives. Any conditions attached will not seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, their staff or agents, but may seek to impact on the behaviour of customers on or in the immediate vicinity of premises as they seek to enter or leave.
- 10.8 Applicants are recommended to seek advice from Licensing Authority licensing officers and the police, as well as taking into account, as appropriate, local planning and transport policies, tourism, cultural and crime prevention strategies when preparing their plans and schedules. Operating schedules in respect of applications for variations of licence will need only to address the additional matters sought under the application.
- 10.9 The Licensing Authority considers that certain types of premises are likely to require additional measures or conditions due to the nature, type and mode of operation. These would include premises, which sell alcohol and cater mainly for the 16-25 age group and provide regulated entertainment, or premises which provide events or entertainment mainly for children. However these measures could be required for any premises where it is considered appropriate, in particular during sporting events such as rugby and football matches. In order to ensure the safety of patrons and other persons in the vicinity of the premises, the Licensing Authority suggests that operating schedules give consideration to the following measures and may, following representations require any or all of these measures to be implemented in the interests of minimising crime and disorder
- (i) Door Supervisors
The need for door supervisors is normally a matter, which is considered and determined by the applicant within the operating schedule. However, where an applicant has made no provision for providing door supervisors, but it is considered that they are essential to meet the crime and disorder or public safety objective the Licensing Authority may specify that the premises must provide registered door supervisors. The Licensing Authority may also require a duty log / register of door supervisors be kept for the premises. Where door supervisors are provided they must be licensed by the Security Industry Authority if the activity or function they perform requires licensing under the Private Security

Industry Act 2001. Generally one door supervisor per 100 persons would be required to be present on the premises. However, additional supervisors may be necessary in certain situation, e.g. where there is a significant number of very young persons, or where there is a potential for boisterous or excitable behaviour, e.g. stag nights; football matches; celebrity visits. Applicants are advised to give consideration to these matters within the operating schedule as well as the days and hours of operation of the door supervisors.

(ii) CCTV

The provision of CCTV is a very useful tool in monitoring premises to assist in ensuring the safety of patrons and preventing crime and disorder. The Licensing Authority may specify that a suitable system approved by the police and Licensing Authority, covering the interior and exterior of the premises, is installed. This should be properly maintained and fully operational whilst the premises are open. The areas to be covered should normally be entrances, both external and internal and any part of the premises not routinely under visual supervision including beer gardens. CCTV recordings should be kept for thirty-one days and made available to the police and local authority officers on request.

(iii) Glasses/Bottles

Applicants should, where appropriate be able to demonstrate that they have adequate procedures in place to prevent glasses and bottles being brought into or out of the premises, and there is provision for regular collection of glasses and bottles. The use of plastic, polycarbonate or similar materials for drinking glasses and bottles should be considered where the consumption of alcohol is likely to be in the open air, e.g. in beer gardens or outside events. Where only glass bottles are available, drinks should be decanted into plastic or similar glasses.

(iv) Drugs

Applicants are expected to be able to demonstrate that they can comply with Home Office Guidance “Safer Clubbing” and or have an agreed protocol with the Licensing Authority and the police for dealing with illegal drugs found on their premises. Matters likely to be required may include: - condition of entry to all premises, drugs amnesty boxes, CCTV coverage, log of all seizures, stop and search policy, and the availability of free water.

10.10 The Licensing Authority may following representations require any or all of the above measures in respect of any premises where it is considered necessary in the interests of minimising crime and

disorder, as well as any other specific measures appropriate for the premises.

- 10.11 The Licensing Authority may also take account of relevant strategies, and action plans as appropriate. These could include:
- (a) The Neath Port Talbot Community Plan
 - (b) Safer Clubbing
 - (c) Best Practice on Test Purchasing
with a view to specifying conditions and or making requirements for premises.
 - (d) National alcohol harm reduction strategy
 - (e) Voluntary codes of practice relating to drinks promotion, drugs etc.

Applicants will need therefore to have given consideration to these matters in their operating schedule, dependent on the style and characteristics of the premises/events.

- 10.12 Crime and disorder conditions will not seek to control adult entertainment involving striptease and lap dancing, which will be governed by laws in relation to indecency and obscenity, and will be licensed under the Local Government (Miscellaneous Provisions) Act 1982. However, conditions for such adult entertainment may be imposed for reasons of public safety, or the protection of children from harm if they relate to occasional use of the premises for adult entertainment.

11.0 Public Safety

- 11.1 The 2003 Act covers a wide range of premises that require licensing, including cinemas, concert halls, theatres, nightclubs, public houses, cafes/restaurants and fast food outlets/takeaways.
- 11.2 Each of these types of premises present a mixture of risks, with many common to most premises and others unique to specific operations. It is essential that premises are constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks. The Licensing Authority is committed to ensuring that the safety of any person visiting or working in licensed premises is not compromised.
- 11.3 The Licensing Authority requires that operating schedules demonstrate that suitable and sufficient measures are in place to ensure public safety, appropriate to the individual style and

characteristics of the premises and events. Matters which should be considered by the applicant include:

- The occupancy capacity of the premises
- The age, design and layout of the premises, including means of escape in the event of fire or other emergency, including provision for the safe evacuation of disabled or infirm persons.
- The nature of the licensable activities to be provided, in particular the sale or supply of alcohol, and/or the provision of music and dancing and including whether those activities are of a temporary or permanent nature.
- The hours of operation (differentiating the hours of opening from the hours when licensable activities are provided, if different)
- Customer profile (e.g. age, disability)
- The use of special effects such as lasers, pyrotechnics, smoke machines, foam machines etc.
- Policy in respect of taking open drinks containers into or out of the premises.

11.4 The following examples of control measures are given to assist applicants who may need to take account of them in their operating schedule, having regard to their particular type of premises and/or activities:

- Suitable and sufficient risk assessments
- Effective and responsible management of premises both within and in the vicinity of the premises.
- Provision of a sufficient number of people employed or engaged to secure the safety of the premises and patrons
- Appropriate instruction, training and supervision of those employed or engaged to secure the safety of the premises and all patrons including the disabled and infirm.
- Adoption of best practice guidance (e.g. Guide to Fire Precautions in Existing Places of Entertainment and Like Premises, The Event Safety Guide, Safety in Pubs published by the BBPA, BS 9999 Part 8 Means of Escape for Disabled Persons and H.S.E. guidance on Risk Assessment involving disabled persons).
- Provision of effective CCTV in and around premises
- Provision of plastic or similar drinking glasses
- Implementation of crowd management measures
- Where not presently required under existing legislation proof of regular testing (and certification where appropriate) of procedures, appliances, systems or structures etc pertinent to safety.

- 11.5 Certain types of premises, due to the nature of activities being provided, may give rise to a significant risk if occupancy numbers are not set. The Licensing Authority following representations will consider setting occupancy limits particularly in respect of the following types of premises:
- (i) night clubs/public houses providing regulated entertainment
 - (ii) theatres
 - (iii) cinemas
 - (iv) any other premises where the authority is satisfied that the nature and operation of the premises is such that it requires regulation of numbers at the premises.
- 11.6 The Licensing Authority following representations may also impose occupancy limits when it considers it appropriate for other reasons, e.g. to minimise crime and disorder.
- 11.7 The Licensing Authority following representations will also consider attaching any other relevant conditions to licences and permissions to promote safety.
- 11.8 On 1st October 2006 the Regulatory Reform (Fire Safety) Order 2005 replaced previous fire safety legislation. The Licensing Authority will not seek to impose fire safety conditions on licences where the order applies.

12.0 Prevention of Public Nuisance

- 12.1 Public nuisance in this context is not narrowly defined and can include low level nuisance affecting a few people living locally, as well as a major disturbance affecting the whole community.
- 12.2 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises. The Licensing Authority wishes to maintain and protect the amenity of residents and businesses from potential consequence of the operation of licensed premises. However it also recognises the economic, social, and cultural importance that such premises provide, and will endeavour to ensure that a reasonable balance is maintained.
- 12.3 The Licensing Authority will expect operating schedules to demonstrate that suitable and sufficient measures have been identified, and will be implemented and maintained to prevent public nuisance. The extent and nature of these measures will be

determined by the style and characteristics of the premises and events.

- 12.4 The Licensing Authority may following representations require applicants for premises licences to provide documented noise assessments with a view to minimising noise nuisance.
- 12.5 Noise from amplified music is a common source of disturbance. In order to minimise the impact in the vicinity, the Licensing Authority following representations may require a range of measures to be taken. These may include the installation of soundproofing, air conditioning, acoustic and sound limitation devices.
- 12.6 When considering the potential for noise or disturbance, the Licensing Authority advises that where appropriate the following matters may need to be addressed in the operating schedule dependant on the style and characteristics of the premises, and events held therein:
- Obtaining advice from a suitably qualified acoustic specialist to determine any impact from activities. This applies both to music noise, and vibration.
 - Steps taken to control the emission of noise from the premises, e.g. entertainment noise, plant noise and social noise.
 - Structural alterations carried out to minimise noise leakage from the premises, including sound insulation, acoustic lobbies, provision of air conditioning.
 - Systems in place to deal with disorder on the premises.
 - Measures to be taken to ensure that windows and doors are kept closed during periods when amplified music is being played.
 - Steps taken to ensure that fire doors are kept closed.
 - The arrangements in place to ensure that patrons leaving the premises do so in a way that does not disturb nearby residents.
 - The use of CCTV systems to monitor the immediate area outside the premises and car park area.
 - The measures taken to ensure that patrons arriving and leaving by taxi / minibuses do not disturb residents by arranging with taxi / minibus companies agreed pick up and drop off points and to avoid use of horns etc.
 - Liaison with public transport providers.
 - If the applicant has previously held a licence the history of enforcement action arising from these premises.
 - Steps taken by the applicant to minimise any light pollution affecting the community.

- Details of any refuse storage, and disposal of any additional litter generated as a result of the activity.
- Steps taken to minimise noise/disturbance/anti-social behaviour from patrons congregating in the vicinity of the premises.
- Steps to avoid late night noise from disposal of empty bottles.
- Measures to minimise noise from staff leaving the premises.
- Details as to whether the use of a noise limiter has been considered to control noise levels.
- The use of prominent signs displayed requesting patrons to have regard to local residents when leaving the premises.
- Steps to be taken to avoid any noxious smells from causing nuisance to local residents.
- Details of actions to be taken in the case of an emergency.

12.7 The Licensing Authority following representations may require measures to deal with problems of litter. In particular, with regard to licensed takeaways or fast food premises, the requirement to remove litter from the vicinity of the premises and / or provide litter bins and / or clean the area in the vicinity of the premises.

12.8 The Licensing Authority will following representations consider attaching any appropriate conditions to licences and permissions to prevent public nuisance.

13.0 Protection of Children from Harm

13.1 The protection of children from harm includes protecting them from moral, psychological and physical harm. In relation to the exhibition of films, videos etc, this includes their protection from exposure to strong language and sexual expletives and behaviour.

13.2 Provisions within the Act prohibit the sale of alcohol to children and also control access of unaccompanied children. However, where children are accompanied and supervised by their parents or carers, then it is unlikely that any special additional measures will be required by the Licensing Authority.

13.3 The wide range of premises that require licensing means that children can often be expected to visit many of these unaccompanied, for food and or entertainment. The Licensing Authority will not normally consider additional restriction of access to licensed premises unless it is satisfied that it is necessary for the prevention of harm to children.

- 13.4 When considering whether to restrict access to premises the Licensing Authority following representations will take account of the relevance of the following matters in respect of the premises:
- Where there have been convictions of current staff, for serving alcohol to minors, or with a reputation for allowing underage drinking.
 - Where requirements for proof of age cards or other age identification is not the norm.
 - Where the premises has a known association for drug taking or dealing
 - Where there is a strong element of gambling on the premises, or
 - Where entertainment of an adult or sexual nature is provided.
 - Where the supply of alcohol for consumption on the premises is the primary purpose of the services provided at the premises.
- Applicants will therefore be expected to have considered these matters and addressed them within the operating schedule.

- 13.5 The Licensing Authority may following representations attach conditions:
- To limit the hours that children may be present
 - To restrict the age of persons on the premises
 - To exclude or limit children when certain activities are taking place
 - To require that children are accompanied by an adult
 - Excluding persons under 18, when any licensable activities are taking place.
 - Requiring the production of PASS accredited identification, a photocard driving licence or passport where alcohol is sold.
 - Requiring the display of any restrictions on the admission of children, on or immediately outside the premises.

The Licensing Authority may also consider imposing restrictions on different ages at different times. They may be applied generally or relate only to specific events or activities, e.g. the televising of a major football or rugby match.

- 13.6 Where no licensing restriction is in force the licensee or club has the discretion to determine whether children are admitted.

- 13.7 In the case of premises giving film exhibitions applicants are expected to include in their operating schedule arrangements for restricting children from viewing age-restricted films as specified by the British Board of Film Classification.

- 13.8 The Licensing Authority may at its discretion determine its own classification for any film proposed to be shown in the area. Where the Licensing Authority exercises this discretion such classifications will be published and made available to licensees and the general public.
- 13.9 Where a film has not been classified by the British Board of Film Classification, the Licensing Authority will classify the film for local screening in accordance with its film authorisation procedure which is available from the Licensing Authority's website www.npt.gov.uk/licensing
- 13.10 The Licensing Authority following representations may require additional adult supervision when regulated entertainment is provided solely or mainly for children. The Licensing Authority may also require that adult supervisors are checked for suitability to work with children.

OTHER MATTERS

14.0 Licensing Hours

- 14.1 The Licensing Authority, when assessing the licensing hours requested, will consider the individual merits of an application.
- 14.2 It is acknowledged that flexible licensing hours are important to ensure that large numbers of customers leaving premises simultaneously are avoided, however there is no general presumption in favour of lengthening licensing hours, and the four licensing objectives will be paramount considerations at all times.
- 14.3 Applicants for premises licences are required to specify the hours when the premises will be open to the public as well as the hours when licensable activities will be provided. A “wind down” period after the sale of alcohol has ceased is considered good practice. However, where there is a significant difference in these times, the reasons for this will need to be clearly specified in the schedule. The Licensing Authority must be satisfied that it will not have a negative impact on the licensing objectives.
- 14.4 The Licensing Authority does not intend to introduce any form of zoning within the borough. Experience in other areas has shown that this can give rise to significant movements of people across boundaries seeking premises open later, and therefore could be counter-productive to measures designed to support the licensing objectives. However, an important consideration is the number and proximity of residential properties and the Licensing Authority may following representations require stricter noise control measures for premises in predominantly residential areas. It may also impose restrictions on licensing hours where it considers it necessary to avoid nuisance to residents.
- 14.5 The Licensing Authority may also consider the potential for nuisance associated with the activities and characteristics of the business and investigate potential steps for reducing the risk of nuisance.
- 14.6 Shops, stores and supermarkets will generally be permitted to sell alcohol, whilst the retail outlet is open for business. However, where there are good reasons for restricting the hours, e.g. where they are the focus of disorder and disturbance, then following representations, a limitation of hours will be considered.

15.0 Conditions and Mandatory Conditions

- 15.1 It is not proposed to adopt “standard” conditions. However in appropriate circumstances the Licensing Authority may utilise conditions from a pool of conditions which have been created in accordance with 15.2 below. The pool of conditions is available on the Licensing Authority’s website at www.npt.gov.uk and applicants are advised to have regard to it when completing their operating schedules, to reduce the likelihood of representations being received due to poorly worded or unenforceable conditions.
- 15.2 The Licensing Authority will attach conditions to premises licences or club premises certificates, which are tailored to the style and characteristics of the premises or event and will be
- Clear
 - Enforceable
 - Evidenced
 - Proportionate
 - Relevant
 - Be expressed in plain language capable of being understood by those expected to comply with them
- 15.3 Conditions (other than the mandatory conditions and those drawn from the operating schedule) will only be attached to a premises licence or a club premises certificate by the Licensing Committee where relevant representations are received and the conditions are deemed appropriate to promote the licensing objectives.
- 15.4 Where an applicant agrees, following a relevant representation, that certain conditions be imposed on the licence, the Licensing Committee will still need to consider the amended application. In most cases it will not be necessary for any of the parties to attend the hearing.
- 15.5 The Licensing Authority will expect premises that offer the sale or supply of alcohol or late night refreshment, particularly those located in the town centres or those with a late terminal hour should include the following provisions in their operating schedules.
- Provision of a suitable and effective CCTV system
 - Provision of an effective method of keeping a record of all incidents that occur at the premises.
 - A commitment to become a participating member of the Business Crime Reduction Partnership (where available)
 - Provision of a “challenge 25” age verification scheme (alcohol premises only)

- 15.6 Applicants are encouraged to discuss their applications with the Licensing Section and the relevant responsible authorities before submitting a formal application, to reduce the likelihood of representation being received and the Licensing Committee being engaged.
- 15.7 The Act (as amended) sets out a range of mandatory conditions that must be attached to premises licences and club premises certificates. The mandatory conditions relate to the supply of alcohol, exhibition of films, door supervision, irresponsible drinks promotions, provision of free drinking water, age verification and the availability of small measures of alcoholic drinks.
- 15.8 Community premises authorised to sell alcohol can now apply for the removal of the mandatory conditions requiring a designated premises supervisor (DPS), or personal licence holder. When considering applications under these provisions the Licensing Authority will take account of the following matters.
- Whether the premises constitutes a community premises.
 - Whether appropriate arrangements are in place for the supervision of the sale of alcohol on the premises by a management committee.
- 15.9 Community premises are likely to include, church halls, chapel halls, village halls, parish halls, community halls or other similar buildings.
- 15.10 Where it is not clear the Licensing Authority will consider whether a premises constitutes a community premises on a case by case basis.
- 15.11 The Licensing Authority may require additional information to ensure that the management committee is formally constituted and accountable.
- 15.12 It is expected that the management committee will have in place appropriate arrangements to ensure compliance with the requirements of the Licensing Act 2003 when premises are hired out to a third party i.e. hiring agreements.

16.0 Live and Recorded Music

- 16.1 The Live Music Act 2012 and the Legislative Reform (Entertainment Licensing) Order 2014 have removed the licensing requirements for most music events taking place before 11pm with an audience of under 500 people.
- 16.2 Conditions imposed on premises licences and club premises certificates in relation to the playing of music are suspended during times when music is played in accordance with the exemptions.
- 16.3 The Licensing Authority can however impose new, or reinstate existing conditions should the premises licence or club premises certificate become subject to a review.
- 16.4 When considering whether an activity constitutes ‘the provision of regulated entertainment’ each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is exempt or not, so organisers of events are encouraged to check with the Licensing Authority if in doubt.

17.0 Cultural Strategies, Live Music Dancing and Theatre

- 17.1 The Licensing Authority acknowledges the importance of cultural strategies, particularly in respect of live music and dancing and will monitor the impact of licensing on the provision of these in the Borough.
- 17.2 The Licensing Authority will ensure that there is regular liaison between officers involved in licensing and cultural provision as well as stakeholders as appropriate.
- 17.3 The Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community and particularly for children.
- 17.4 When considering applications for such events, the Licensing Authority will carefully balance the cultural needs with the necessity to promote the licensing objectives, and this will where appropriate, be reflected in the conditions attached to the licence or certificate. Consideration will be given to the particular characteristics of any event including the type, scale and duration of the entertainment, especially where limited disturbance only may be caused.

17.5 The Licensing Authority will consider establishing a policy of permanently licensing public spaces within the area for community use.

18.0 Temporary Event Notices (TENS)

18.1 TENS permit the carrying on of licensed activities at premises which are not authorised by a premises licence or club premises certificate.

18.2 No authorisation by the Licensing Authority is required in respect of these events, only a notification by the premises user to the Licensing Authority, Police and Environmental Health Officer, subject to fulfilling certain conditions.

18.3 There are two types of TEN “Standard TEN” and Late TEN”

18.4 A standard TEN must be submitted to the Licensing Authority a minimum of 10 clear working days (not including the day of notification or the day of the event) prior to the event.

18.5 A late TEN must be submitted to the Licensing Authority between 5 and 9 clear working days prior to the event.

18.6 The Licensing Authority strongly advises applicants against reliance on using late TENS as a single objection from a responsible authority will prevent the event from going ahead.

18.7 The Licensing Authority recommends that where possible premises users give a minimum period of 28 days notice of temporary events, this is because the statutory period of 10 working days gives very little time to consider any concerns by the Police or the Environmental Health Officer.

18.8 The Licensing Authority acknowledges that it cannot insist on its own time frame for receiving temporary event notices, however it should be noted that the legislation does not permit any discretion for TEN’s that are not submitted in accordance with the statutory period i.e. 10 clear working days for a standard TEN and 5 - 9 clear working days for a Late TEN

18.9 Temporary Event Notices are subject to a number of limitations in relation to, the number of TENS an individual may submit; the number of times a premises can be used; and the length of time the TEN can last. Further information is available on the Licensing Authority’s website

19.0 Outdoor Musical Events

- 19.1 Outdoor musical events require significant organisation and planning to ensure the safety of persons attending the event.
- 19.2 In order that full consideration can be given to outdoor musical events requiring a premises licence, the Licensing Authority expects that at least 90 days notice is given prior to the date of the event.

20.0 Licence Reviews

- 20.1 The review process is an important mechanism when problems associated with the licensing objectives are occurring at premises holding a premises licence or club premises certificate.
- 20.2 This process is only available to responsible authorities and interested parties who may request that the Licensing Authority review the licence or certificate because of issues arising at the premises in connection with any of the four licensing objectives, including any breaches of licensing conditions and or licensing offences.
- 20.3 The Licensing Authority acknowledges that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities and will endeavour to further development and enhance this partnership.
- 20.4 The Licensing Authority and the responsible authorities will aim to give licence holders early warning of any problems identified at the premises, with a view to securing improvements informally.
- 20.5 Where there is a failure to respond to such warnings, it is likely that a request for a review will be submitted by a responsible authority or interested party.
- 20.6 However, where there are very serious issues, responsible authorities may submit a review application without warning.
- 20.7 The Licensing Authority will consider any review submitted by an interested party to determine if it is relevant, vexatious, frivolous or repetitious, and may reject it accordingly.

20.8 Where it considers that action is necessary the Licensing Authority may take any of the following steps :-

- Modify the premises licence conditions.
- Exclude a licensable activity.
- Remove the designated premises supervisor.
- Suspend the licence for up to three months.
- Revoke the licence.

20.9 In determining which of the above steps to take the Licensing Authority will seek to ensure that they are necessary and proportionate to ensure promotion of the licensing objectives.

20.10 The Licensing Authority will, where it is satisfied that there are serious concerns in respect of the promotion of the crime and disorder objective, consider revocation of the licence even in the first instance.

21.0 Sexual Entertainment

21.1 The Licensing Authority has adopted the provisions contained in the Local Government (Miscellaneous Provisions) Act 1982, as amended by the Policing and Crime Act 2009, in respect of Sexual Entertainment Venues.

21.2 Any premises that provides “relevant sexual entertainment” is required to have a licence under the above legislation.

21.3 Relevant entertainment is defined as:

- 1) any live performance; or,
- 2) any live display of nudity;

Which is of such a nature that , ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)

21.4 Most sexual entertainment venues will require a Licensing Act 2003 licence as well as a sex establishment licence. Where this is the case the Licensing Authority will avoid duplicating licence conditions, however where there are similar conditions in the two regimes, the more onerous will apply.

21.5 Premises that provide sexual entertainment on no more than 11 times per year and no more frequently than monthly are exempt from the Sexual Entertainment Venue licensing. The Licensing Authority will expect operating schedules for premises taking advantage of this exemption, to have addressed the licensing objectives with particular regard to the protection of children from harm.

22.0 Licence Suspensions

22.1 The Licensing Authority will suspend any licence or certificate where the required fee is not paid by the due date, which is annually on the anniversary of the date that the licence was first granted.

22.2 Where an annual fee is not paid by the due date, the Licensing Authority will give notice in writing, that the licence / certificate will be suspended in 21 days from the fee due date.

22.3 Where an annual fee remains unpaid following the 21 days notice, the Licensing Authority will immediately issue a suspension notice, which has the effect of suspending all licensable activities at the premises until the fee is paid.

22.4 When the fee is paid, the Licensing Authority will immediately lift the suspension and confirm this in writing.

23.0 Late Night Levy and Early Morning Restriction Orders

23.1 The Licensing Authority, having not been presented with sufficient evidence, consider that the applications of a Late Night Levy or Early Morning Restriction Order(s) are inappropriate, at the present time. The Licensing Authority will keep these matters under review and accordingly reserves the right, should the need arise, to introduce these measures.

24.0 Cumulative Impact Policy

24.1 For the purposes of this document 'cumulative impact' means the potential impact on the promotion of the licensing objectives of a significant number of licensed premises concentrated in one area. Cumulative impact is a proper matter for the Licensing Authority to consider in developing its licensing policy. This should not be confused with 'need', which concerns the commercial demand for

another particular type of premises. Government guidance states that 'need' is not a matter for the Licensing Authority but is a matter for the Planning Authority and the free market.

- 24.2 The Licensing Authority has not been presented with sufficient evidence to consider any area within the County Borough to currently have a particular concentration of licensed premises causing a cumulative impact on one or more of the licensing objectives. The Licensing Authority will keep this matter under review and accordingly reserves the right, should the need arise, to introduce a special policy concerning cumulative impact during the life of this statement of licensing policy.
- 24.3 The absence of a special policy does not prevent any responsible authority or any other party from making representations on a new application for the grant of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives. The Act allows for such consideration but the individual merits of each application must always be considered.

25.0 Online Applications

- 25.1 In accordance with the EU Provision of Services regulations 2009, the Licensing Authority has made available online applications utilising the gov.uk portal.
- 25.2 Applications made using the online method, requires that all communication is transmitted electronically. The benefit of using this service is that the Licensing Authority becomes responsible for serving copies of the application (electronically) on all responsible authorities.
- 25.3 The Licensing Authority encourages applicants to use the online service which has obvious environmental and financial benefits. The online applications using the Gov.UK portal can easily be accessed from the Licensing Authority's webpage.

26.0 Guidance and Advice

- 26.1 The Licensing Authority recommends that applicants for licences, variations etc. discuss their proposals with the Licensing Officer and relevant responsible authorities prior to submitting a formal application. This could avoid unnecessary cost, potential problems, and also the need for hearings.

26.2 General guidance for licensees and members of the public in respect of the Licensing Act 2003 is provided on our website www.npt.gov.uk/licensing. Further advice and guidance can be sought from the Licensing Section on 01639 763050 or email licensing@npt.gov.uk.

27.0 Promotion of Racial Equality

27.1 The Licensing Authority has adopted a Race Equality Scheme under the Race Relations Act 1976 and the Race Relations (Amendment) Act 2000.

27.2 The Licensing Authority when dealing with all matters relating to the Licensing Act 2003 will take account of the scheme with a view to promoting equality of opportunity and good relations between persons of different racial groups.

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FINANCE AND CORPORATE SERVICES

REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

10th August 2015

SECTION A - MATTER FOR DECISION

WARDS AFFECTED: All

1.0 Gambling Act 2005 – Review of Statement of Principles

1.1 Purpose of Report

To consider the draft Gambling Act Statement of Principles 2016, prior to submission to Council.

1.2 Background

The Council, as the Licensing Authority under the provisions of the Gambling Act 2005 is required to adopt a Statement of Principles, setting out how it will deal with various applications for licences and permits.

The current Statement of Principles was approved by Council in December 2013. The Gambling Act 2005 requires that the Statement is reviewed at least every three years and it is now necessary for review of the document to meet this requirement.

The draft Statement of Principles has been amended to take account of revised guidance issued by the Gambling Commission and the introduction of new codes of practice. Amendments to the Policy are underlined in the draft document attached at appendix 1 of the report.

The Policy must be considered and approved by Council, although at this stage approval is only being sought for issuing the revised Policy for consultation.

The views of members are sought in respect of any changes or amendments necessary prior to submission of the document to Council for approval to begin the consultation process.

At the time of adoption of the current Statement of Principles, Council also decided to adopt a “no casinos” policy. This decision is also required to be reviewed and will be submitted for determination when the final document is considered.

1.3 Consultation

The Gambling Act 2005 specifies the statutory consultees in respect of the Statement of Principles. They are:-

- (1) the Chief Officer of Police;
- (2) one or more persons who appear to represent the interests of persons carrying on gambling businesses in the area;
- (3) one or more persons who appear to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act.

However there are a wide range of other interested parties, who may be consulted at the discretion of the council.

It is considered that the consultation process should be as wide ranging as possible, and allow adequate time for responses to be submitted, following which comments by consultees and any appropriate revisions to the document will be brought back to a meeting of Council for consideration.

In addition to the statutory consultees it is proposed that other organisations / agencies be consulted. These are indicated in the policy document at appendix 2.

The list is not exhaustive and it may be appropriate to consult with further agencies, organisations and individuals as necessary.

1.4 Equality Impact Assessment

A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this policy does not require an Equality Impact Assessment.

1.5 Recommendation

That members consider whether to amend the draft Statement of Principles prior to submission to Council

1.6 List of Background Papers

Gambling Commission Guidance to Local Authorities – February 2015
Licensing Conditions and Codes of Practice 2015 (LCCP)
Equality Impact Screening Assessment

1.7 Wards Affected

All

1.8 Officer Contact

Neil Chapple
Licensing Manager
Tel. (01639) 763056
Email: n.chapple@npt.gov.uk

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

GAMBLING ACT 2005

STATEMENT OF PRINCIPLES 2016

Licensing Section
Neath Port Talbot County Borough Council
Civic Centre
Port Talbot
SA13 1PJ

Tel: 01639 763050
Fax: 01639 763059
e-mail licensing@npt.gov.uk

Further copies may be obtained from the above address, or from the website
www.npt.gov.uk/licensing

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

STATEMENT OF PRINCIPLES

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5.0. Licensing Functions
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NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
Gambling Act 2005

Statement of Principles

PART A

1.0. Introduction

- 1.1 The Gambling Act 2005 requires the Council (hereafter referred to as the “Licensing Authority”) to prepare and publish a “Statement of Licensing Policy” that sets out the principles the Licensing Authority proposes to apply in exercising its licensing functions when dealing with applications for Premises Licences, as required by the Act.
- 1.2 This Policy Statement takes effect on 31st January 2016. This Licensing Authority will update and publish a new Licensing Policy whenever necessary but in any case within 3 years of the date of this Policy, and will fully consult with partners, trade associations and residents groups as appropriate at that time, any representations received will be considered at that time.
- 1.3 However where updates are required due to changes in national legislation, statutory guidance or contact details the Licensing Authority reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.
- 1.4 In producing the final Policy Statement the declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Gambling Commission, any codes of practice and any responses from those consulted on the Policy Statement.
- 1.5 The Licensing Authority has a legal obligation to comply with all legislation that promotes equality it has a policy in place to promote equality to all. Licensing of persons and premises under the Gambling Act 2005 will actively promote equality of service and enforcement to all members of the community.
- 1.6 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 that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.
- 1.7 The Licensing Authority acknowledges that it may need to depart from this Policy and from the guidance issued under the Act in individual and exceptional circumstances, and where the case merits such a decision in

the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.

- 1.8 It should be noted that this statement of principles will not override the right of any person to make an application, make representation 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.

2.0. Consultation

- 2.1 In accordance with the requirements of the Act, the Licensing Authority has consulted widely before publishing this statement of principles. A list of consultees is reproduced at Appendix 2. The consultation was carried out between September and November 2015.
- 2.2 The statement of principles was approved at a meeting of the full Council on ** and was published via our website on **. Copies have been placed in the public libraries of the area as well as being available in the Civic Centres at Neath and Port Talbot. Should you have any comments as regards this statement of principles, or wish to see the full list of comments and the consideration by the authority of those comments then please send them via e-mail or letter to :-

Licensing Manager
Licensing Section
Civic Centre
Port Talbot
SA13 1PJ
licensing@npt.gov.uk

3.0. Neath Port Talbot County Borough Council

- 3.1 Neath Port Talbot has a geographical area of 442km² and is the eleventh largest council in Wales with a population of 139,880 (the 8th highest population density
- 3.2 The Council has adopted a single integrated plan (2013 – 2023) which sets out the Council's vision for Neath Port Talbot and the steps it will take together to protect and improve local services and support communities.
- 3.3 The plan highlights a number of challenges that the Council faces, and of particular relevance to this Statement of Principles is the challenge of deprivation.
- 17 areas within Neath Port Talbot are within the top 10% of the most deprived communities in Wales
 - 4 Communities First Cluster areas.

- 25% of those of working age (16 – 64) claim employment benefits compared to the Wales average of 14.7%
- The 9th lowest average household income of the 22 Welsh local authorities
- The seventh highest rate of children living in workless households in Wales.

3.4 The Licensing Authority expects that operators of gambling premises have regard for the high levels of deprivation within Neath Port Talbot and to ensure that appropriate control measures are in place to protect vulnerable groups.

4.0. Licensing Objectives

4.1. In exercising most of their functions under the Gambling Act 2005 (the Act), the Licensing Authority must have regard to the licensing objectives as set out in Section 1 of the Act and reproduced below:-

- 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 being conducted in a fair and open way.
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

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

The licensing authority is aware that as per Section 153 of the Act, 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:-

- 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

5.0. Licensing Authority Functions

5.1. Under the Act this licensing authority will be responsible for the following:

- Issuing Premises Licences – Where gambling activities are to take place.

- Issue Provisional Statements - For premises which are to be constructed or adapted for gambling activities.
- Regulate Club Gaming Permits and or Club Machine Permits for members clubs and miners welfare institutes who wish to undertake certain gaming activities.
- Issue Club Machine Permits – for 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 more than two machines are required.
- Registration of lotteries which are 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 7.0. on information exchange).
- Maintain registers of the permits and licences that are issued under these functions.

5.2. The licensing authority in order to deal efficiently with applications for premises licences, permits, temporary and occasional use notices, reviews, etc has prescribed a list of delegated functions. This is shown at appendix 4.

5.3. It should be noted that the licensing authority will not be involved in licensing remote gambling. This will fall to the Gambling Commission via Operating Licences.

5.4 The Licensing Authority recognises that the licensing function is only one means of promoting delivery of the three objectives and should not therefore be seen as a means for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with neighbouring authorities, South Wales Police, local businesses, local people and those involved in child protection to promote the licensing objectives as outlined. In addition, the Licensing Authority recognises its duty under Section 17 of the Crime and Disorder Act 1998, with regard to the prevention of crime and disorder.

6.0. Responsible Authorities

6.1. 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. The principles are:

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

In accordance with the suggestion in the Gambling Commission's Guidance for Local Authorities, this authority designates the Local Safeguarding Children Board for this purpose.

- 6.2. The contact details of all the Responsible Authorities under the Gambling Act 2005 are available at Appendix 3 of this document and also via the Licensing Authority's website at: www.npt.gov.uk/licensing.

7.0. Interested Parties

- 7.1. 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 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 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, or
- c) represents persons who satisfy paragraph (a) or (b)".

- 7.2. 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, but will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities.

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 parish/community councils likely to be affected will be considered to be interested parties. Other than these persons, this Authority will require written evidence that a person '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 that 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 on (01639) 763050 or e-mail licensing@npt.gov.uk

8.0. Exchange of Information

- 8.1. Licensing authorities are required to include in their policy statement 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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 8.2. 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 Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 8.3. Should any protocols be established as regards information exchange with other bodies, then they will be made available.

9.0. Enforcement

- 9.1. 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.
- 9.2. The licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Local Authorities, the Regulators Code and the Licensing authority's enforcement policy. It 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
- 9.3. The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4. The licensing authority has implemented a risk-based inspection programme based on:-
- The Licensing Objectives
 - Relevant Codes of Practice
 - Guidance issued by the Gambling Commission in particular Part 36
 - The principles set out in this statement of licensing policy
 - The Licensing Authority's enforcement policy
- 9.5 The main enforcement and compliance role for the 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's concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority, but should be notified to the Gambling Commission.

The Licensing Authority will take account of the Gambling Commission's guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The Licensing Authority will also follow its own policies and procedures regarding the use of underage test purchasers.

- 9.6. The 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.

10.0. Fundamental Rights

Under the terms of the Act any individual/company may apply for a variety of permissions and have their applications considered on their individual merits. Equally, any Interested Party or Responsible Authority has a right to make relevant representations on an application or to seek a review of a licence or certificate where provision has been made for them to do so in the Act.

Applicants and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates Court against the decisions of the Licensing Authority.

11.0. Integrating Strategies and Avoiding Duplication

By consulting widely prior to this Policy Statement being published, the Licensing Authority will take full account of local policies covering crime prevention, culture, transport, planning and tourism as part of an integrated strategy for the Council, Police and other agencies. Many of these strategies may not be directly related to the promotion of the three licensing objectives, but may indirectly impact upon them.

When considering any application, the Licensing Authority will avoid duplication with other regulatory regimes so far as possible. Therefore, the Licensing Authority will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of premises for gambling consistent with the licensing objectives.

12.0. Sustainable Development Community Strategy

The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – “A better Quality of Life” and relevant regional strategies.

Community strategies provide a focal point for the identification of local issues and aspirations on social inclusion, environmental protection, employment and economic development.

Local strategic partnerships, typically involving the police, local authorities, primary care trusts, and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent crime and disorder in the area. The Licensing Authority will have particular regard to the likely impact of licensing on related crime and disorder in the area, particularly when considering the location, impact, operation and management of all proposed licence/permit applications, renewals and variations of conditions.

Part B – Premises Licences

13.0. General Principles

- 13.1. 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 are 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.
- 13.2. The 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
- 13.3 It is appreciated that moral objections to gambling are not a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' – see section on Casinos below) and also that unmet demand is not a criterion for a licensing authority.
- 13.4 The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission commencing in May 2015 places further onus on premises to complete a risk assessment based on code 8, the social responsibility code. The Licensing Authority will have regard to this code when considering applications.

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 on 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
- 13.5. Premises are defined in the Act as including "any place". Section 152 therefore prevents more than one premises licence applying to "any place".

However, it is possible for a single building to 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 separate premises. This makes provision for large multiple unit premises such as a pleasure park, shopping mall etc to obtain discrete premises licences where appropriate safeguards are in place. However, the licensing authority will pay particular attention if there are issues about sub-division of a single building and will ensure that mandatory conditions relating to access between premises are observed.

13.6 The Gambling Commission states in its Guidance to Licensing Authorities that “in most cases the expectation is that a single building will be the subject of an application for a licence e.g. 32 High Street. But that does not mean that 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 be properly 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 officer. However, 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”.

13.7. The licensing authority takes particular note of the Gambling Commission’s Guidance to Local 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 premise or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

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?

14.0. Appropriate Licence Environment

14.1 The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing May 2015, set out additional matters that the Licensing Authority should take into account when considering licence applications for premises licences.

14.2 Guidance section 19, LCCP condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The Licensing Authority will consider any application based on the provisions in these codes and guidance.

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

14.4 The Licensing Authority will consider these and any other relevant factors in making its decision, depending on all the circumstances of the case

15.0. Premises “Ready for Gambling”

15.1 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.

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

15.3 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.

15.4 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.

15.5 More detailed examples of the circumstances in which such a licence may be granted can be found in the Guidance.

16.0. Other Considerations

Location:

16.1. The 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. This authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issue of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

Planning:

16.2 The Gambling Commissions Guidance to Licensing Authorities states:

7.60 - In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

16.3 This authority will not take into account irrelevant matters as per the above guidance. In additions the authority notes the following excerpt from the Guidance:

7.67 – When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not

prejudice or prevent any action that may be appropriate under the law relating to planning or building.

Duplication with other regulatory regimes:

- 16.4 This licensing authority seeks to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be planning permission or building regulations approval in its consideration of it. It will however, 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.

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 building consents. Fire or health & safety risks will not be taken into account, as these matters are dealt with under relevant planning, building and other regulations and must not form part of the consideration for the premises licence

Licensing objectives:

- 16.4. 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.

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

- 16.5. This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. It is however envisaged that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. 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. The licensing authority is aware of the need to make a distinction between disorder and nuisance. It will consider factors such as whether police assistance was required, the nature of any incident so as to make that distinction.

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

- 16.6 The licensing authority has noted that the Gambling Commission's advice 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.

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

- 16.7. The licensing authority notes the Gambling Commission's guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at, or are particularly attractive to children). The licensing authority will therefore consider, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/machines, segregation of areas etc.
- 16.8. This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.
- 16.9 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 are gambling 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". The licensing authority will consider this licensing objective on a case by case basis.
- 16.10 The Licence Conditions and Codes of Practice (LCCP) issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.
- 16.11 In particular operators must ensure that:
- all staff are trained,
 - that all customers are supervised when on gambling premises
 - must have procedures for identifying customers who are at risk of gambling related harm.
- 16.13 The Licensing Authority will expect all operators to have policies and procedures in place as required by the LCCP codes on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records
- 16.14 Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The Licensing Authority will take all conditions and codes into account when considering applications or performing enforcement activities.

Conditions:

- 16.15. Any conditions attached to licences by this licensing authority will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and

- reasonable in all other respects.

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

16.17. The licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. 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.

16.18. The licensing authority will also ensure that where category C or above machines are on offer in premises in which children are admitted:

- 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;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- 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.

16.19. The 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. 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.

16.20. 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 of prizes.

Door Supervisors:

16.21. 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 conditions on the premises licence to this effect.

16.22 Where it is decided that supervision of entrances/machines is appropriate for particular cases it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be licensed as the statutory requirements for different types of premises vary

17.0. Adult Gaming Centres

17.1. The 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.

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

17.3. The licensing authority may consider measures such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-barring 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.

18.0. (Licensed) Family Entertainment Centres

- 18.1. The 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.

The licensing authority may consider measures to meet the licensing objectives such as:

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

This list is neither mandatory, nor exhaustive and is merely indicative of example measures.

- 18.2 The licensing authority will 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. The licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

19.0. Casinos

No Casinos resolution

- 19.1. The licensing authority has passed a 'no casino' resolution under Section 166 of the Gambling Act 2005. This resolution came into effect on ** January 2016.

Potential licence applicants should note that as a 'no casino' resolution has been passed by this authority, no applications for casino premises will be considered. Any applications received will be returned with a notification that a 'no casinos' resolution is in place.

20.0. Bingo Premises

- 20.1. This licensing authority notes that the Gambling Commission's Guidance states;

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.

The Licensing Authority is aware that a holder of bingo premises licences may make available for use of a number of category B gaming machines, not exceeding 20% of the total number of gaming machines, which are available for use on the premises.

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.

21.0. Betting Premises

Betting machines

21.1. The licensing authority will as per 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.

22.0. Travelling Fairs

22.0. It will fall to the 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.

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

22.2. It is 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. The 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.

23.0. Tracks

23.1. The 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. The 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.

- 23.2. The Licensing 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.
- 23.3. The 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
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets/helpline numbers for organisations such as Gam Care.

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

- 23.4 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, these machines (other than category D machines) should be located in areas from which children are excluded.
- 23.5 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.
- 23.6 Applications and plans -The Gambling Act (s51) requires the applicants to submit plans of the premises with their application, in order to ensure the licensing authority has premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

- 23.7 Some tracks may be situated on agricultural land where the perimeter is not such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 23.8 In rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary of the premises does not need to be defined.)
- 23.9 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 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 plan.

24.0. Provisional Statements

- 24.1. Developers may wish to apply to this authority for provisional statements before entering into a contact 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.
- 24.2 S204 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.
- 24.3 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 representations and there are rights of appeal
- 24.4 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 (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 24.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed altered or acquired.

24.6 The licensing authority will be constrained in the matters it can consider when determining the premises licence application. 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 concern 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:

- which could not have been raised by objectors at the provisional licence stage; or
- which is 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

25.0. Reviews

25.1. 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 licensing policy.

The authority will also give consideration as to whether the request is frivolous, vexatious; will 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.

25.2 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:-

- add, remove or amend a licence condition imposed by the Licensing Authority;
- exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- suspend the premises licence for a period not exceeding three months; and
- revoke the premises licence.

- 25.3 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.
- 25.4 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.

Part C –
Permits, Temporary Event Notices & Occasional Use Notices

26.0. Unlicensed Family Entertainment Centre

26.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for a permit.

26.2 The Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policy and procedures will be considered on their merits. They may include training of staff regarding suspected truant school children, how to deal with unsupervised, very young children or children causing problems in and around the premises.

26.3 The 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;
- 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.

26.4 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 and would, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.

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

27.0. Alcohol Licensed Premises

27.1. 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 and pay the prescribed fee.

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 Act, e.g. gaming machines have been made available in a way that does not comply with the requirements on the location and operation of the gaming machines;
- the premises are mainly used for gambling; or

- an offence under the Gambling Act has been committed on the premises.
- 27.2. If a premises wishes to have more than 2 machines, then it needs to apply for a permit, and the licensing authority will consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant*”. The 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.
- 21.3 The applicant will be expected 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.
- 21.4 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 required. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.
- 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.

28.0. Club Gaming and Club Machine Permits

- 28.1 Members Clubs and Miner’s Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit.
- 28.2 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 regulations.
- 28.3 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D) only. NB Commercial Clubs may not site category B3A gaming machines offering lottery games in their club

- 28.4. 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. The Secretary of State has made regulations and these cover bridge and whist clubs, which replicates 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 mens’ clubs, branches of the Royal British Legion and clubs with political affiliations”.
- 28.5. The licensing authority 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 received the type of permit for which is 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.
- 28.6. 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). Commercial clubs cannot hold a club premises certificate under the Licensing act 2003 and so cannot use the fast-track procedure. As the Gambling Commission’s Guidance to Licensing 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.” 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.
- 28.7 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.

29.0. Prize Gaming Permits

- 29.1. 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”.

- 29.2. The licensing authority has prepared a Statement of Principles which is that the applicant 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;
 - that the gaming offered is within the law;
 - clear policies that outline the steps to be taken to protect children from harm.
- 29.3. In making its decision on an application for this permit the licensing authority does not need to (but may) have regard to the licensing objectives but must have regard to any Gambling Commission guidance.
- 29.4. It should be noted that the Gambling Act 2005 sets down conditions that the permit holder must comply with. These conditions 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.
- 29.5 The licensing authority cannot however attach additional conditions to prize gaming permits.

30.0. Temporary Use Notice

- 30.1 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. 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.
- 30.2 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.

- 30.3 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 the 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.
- 24.3 The licensing authority is likely 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.

31.0. Occasional Use Notices

- 31.1 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. The licensing authority will, consider the definition of a ‘track’ and whether the applicant is permitted to avail him/herself of the notice

32.0. Small Society Lotteries

- 32.1 The 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
- 32.2 Non-commercial gaming is permitted if it takes place at 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 01639 763050 to see further advice.

Part D – Decision Making, Conditions and Codes of Practice

33.0. Administration, Exercise and Delegation of Functions

- 33.1 The powers and duties of the licensing authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.
- 33.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.
- 33.4 The schedule of delegation of licensing functions is attached at Appendix 4

34.0. Appeals Procedure

- 34.1 Entitlements to appeal for parties aggrieved by decisions of the licensing authority are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the licensing authority, which has considered the application, is situated.
- 34.2 An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Swansea Magistrates Court, Grove Place, Swansea, SA1 5DB within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.
- 34.3 On determining an appeal, the Court may:
- Dismiss the appeal;
 - Substitute the decision appealed against with any other decision that could have been made by the licensing authority;
 - Remit the case to the licensing authority to dispose of the appeal in accordance with the direction of the Court.
 - Make an order about costs.
- 34.4 In anticipation of such appeals, the licensing authority will give comprehensive reasons for its decisions. The licensing authority will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.
- 34.5 As soon as the decision of the Magistrates' Court has been notified to all parties, the licensing authority will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.

35.0. Complaints against licensed Premises

- 35.1 The licensing authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.
- 35.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the licensing authority may initially arrange a conciliation meeting to address and clarify the issues of concern.
- 35.3 This process will not override the right of any interested party to ask that the Licensing and Gambling Sub-Committee consider their valid objections, or for any licence holder to decline to participate in a conciliation meeting.

36.0. Licensing Conditions and Codes of Practice 2015 (LCCP)

- 36.1 The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk

The code requires operators;

- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
 - With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
 - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
 - With effect from April 2016 to produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.
- 36.2 Risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of; Casino's, AGC's, Bingo Premises, 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.
- 36.3 Operators are required by the SR code 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 Licensing Authority's inspection regime and may be requested when officers are investigating complaints.

36.4 The code requires the licensing authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing 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
- 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.

36.5 The licensing 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, café's, shops, and any other place where children are attracted,
- Areas which 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

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, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate, etc.

Other issues that may be considered could include:

- Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship.

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

37.0. Further Information

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

Licensing Section
Civic Centre
Port Talbot
SA13 1PJ

Telephone: 01639 763050
Email: [licensing @npt.gov.uk](mailto:licensing@npt.gov.uk)

Information is also available from:

The Gambling Commission
Victoria Square House
Birmingham
B2 4BP

Telephone: 0121 230 6666
Website: www.gamblingcommission.gov.uk

The Department for Culture, Media and Sport
2– 4 Cockspur Street
London
SW1Y 5DH

Telephone: 020 7211 6200
Website: www.culture.gov.uk



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APPENDIX 2

Consultees – Statement of Principles

South Wales Police
British Association of Leisure Parks,
Piers & Attractions Ltd (BALPPA)
British Greyhound Racing Board
Bingo Association
British Beer & Pub Association
Association of British Bookmakers
Business in Sport & Leisure
Casino Operators Association of the UK
Racecourse Association Ltd
British Amusements + Catering Trades Association
British Casino Association
British Holiday & Home Parks Association
Gambling Commission
Community Councils
Neath Port Talbot Community Safety Partnership
Neath Port Talbot Primary Care Trust
Neath Port Talbot Council for Voluntary Services
Existing Licence / Permit holders (S34's, bingo, betting shops)
Neath Town Centre Partnership
Chambers of Trade
Gamblers Anonymous
Citizen's Advice Bureau
Gamcare
All Local Authority Directorates in particular:-
Environmental Health Section
Safeguarding Children's Board

APPENDIX 3

RESPONSIBLE AUTHORITIES

For the purposes of The Gambling Act 2005 the following are responsible authorities in relation to premises.

The licensing authority in whose area the premises are wholly or mainly situated (usually this will be the Neath Port Talbot County Borough Council, Civic Centre, Port Talbot. SA13 1PJ).

The Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

South Wales Police
The Superintendent
(F.A.O. Licensing Officer)
Gnoll Park Road
Neath
SA11 3BW

Mid & West Wales
Fire & Rescue Service
Divisional Commander
Cimla Fire Station
Cimla Road
Neath
SA11 3UG

Head of Planning Services
Neath Port Talbot County
The Quays
Brunel Way
Baglan Energy Park
Briton Ferry
SA11 2GG

Environmental Health Manager
Neath Port Talbot County
Borough Council
Civic Centre
Neath
SA11 3QZ

Neath Port Talbot
Safeguarding Children's Board
Civic Centre
Port Talbot
SA13 1PJ

H.M. Customs & Excise
Greenock Operational Team
Custom House
Custom House Quay
Greenock
PA15 1EQ

APPENDIX 4

SUMMARY OF LICENSING AUTHORITY DELEGATIONS UNDER THE
GAMBLING ACT 2005

Matters to be dealt with	Full Council	Full Cttee	Sub Committee	Officers
Three year Gambling Policy	X			
Policy not to permit Casinos	X	X		
Fee Setting – when appropriate		X		
Application for premises licence			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 and not withdrawn	Where no representations received/representations have been withdrawn
Application for a provisional statement			Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application to review premises licence/club premises certificate			X	
Application for club gaming/club machine permits			Where objections have been made (and not withdrawn)	Where no objections have been made (or have been withdrawn)
Cancellation of club gaming/club machine permits			X	
Applications for other permits				X
Cancellation of licensed premises gaming machine permits				X
Consideration of temporary use notice				X
Decision to give a counter notice to a temporary use notice			X	
Decision on whether a complaint is irrelevant frivolous vexatious etc				X
Decision as Responsible Authority to call for a Review of a Premises Licence				X