

## CYNGOR SIR POWYS COUNTY COUNCIL

## 2003 ACT LICENSING COMMITTEE

3<sup>rd</sup> September 2015**REPORT AUTHOR: Senior Licensing Officer****SUBJECT: Draft Statement of Principles, Gambling Act 2005**

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**REPORT FOR: Decision**

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**1. INTRODUCTION**

- 1.1 The Gambling Act 2005 gives licensing authorities various functions in relation to the licensing of premises and issuing of permits for gambling. Under section 349 of the Act, licensing authorities are required to produce, at least every three years, a statement of the principles that they propose to apply when exercising their functions under the Act.
- 1.2 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 set out precise requirements as to the form, content and publication of a statement, or a revision of a statement.
- 1.3 The first Powys Statement of Principles, followed very closely the template produced by the Local Authorities Coordinators of Regulatory Services (LACORS), was published in January 2007. Only minor amendments were made in 2010 and 2013 when the policy was revisited. It is now due for review once again.

**2. GUIDANCE**

- 2.1 The Gambling Commission, who regulate commercial gambling in the UK are required to issue guidance to licensing authorities on the manner in which they are to exercise their functions, and the principles to be applied by them in exercising them. Licensing authorities are required to have regard to this guidance under the Gambling Act 2005. The most recent guidance was produced earlier this year and introduced some new considerations including local area profiling and risk assessments.
- 2.2 The Gambling Commission have made the following statement about these new considerations and what authorities should include in their revised policies for January 2016:

*'To make full use of this important licensing tool, the policy statement should be drawn up in a way that reflects the local area. LAs are likely to have their own views about how they wish to manage gambling locally and those nuances and local understanding of risk should be reflected in the policy statement'*

- 2.3 An all new draft Gambling Act Policy has subsequently been drafted for Powys. (Annex A)

### 3 CONSULTATION

- 3.1 In accordance with Government guidance, the authority is required to seek views on the draft 2013 Policy Statement. A list of those invited to comment on the document is set out in the policy.
- 3.2 It is proposed that the draft policy will go out for consultation for a 4 week period, to allow for any comments / feedback to be taken into consideration in producing a final policy for approval at the next meeting of the licensing committee on 12<sup>th</sup> October.
- 3.3 The revised draft will need to be referred to the full council meeting on 21<sup>st</sup> October with a recommendation that it be adopted in time for January 2016

<b>Recommendation:</b>	<b>Reason for Recommendation:</b>
<b>To approve consultation on a new Gambling Act 2003 Policy</b>	<b>In accordance with the Gambling Act 2005 to prepare and publish a Licensing Policy to come into effect January 2016.</b>

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Relevant Portfolio Member(s):	Councillor John Powell		
Relevant Local Member(s):	N/A		

Background Papers used to prepare report: Gambling Commissions Guidance Issued to Local Authorities in March 2015 (draft)  
Guidance issued by DCMS.

## **APPENDIX A**

The following were invited to comment on the draft Powys Statement Of Principles

Dyfed Powys Police  
Mid and West Wales Fire and Rescue Service  
Planning at Brecon Beacons National Park  
Powys County Council Services: -  
Environmental Health  
Trading Standards  
Planning  
Children's Services (Child Protection)  
All Powys Community and Town Councils  
Mecca Bingo/Casinos Ltd  
William Hill PLC  
Ladbrokes PLC  
Betfred Ltd  
BCA (The British Casino Association)  
The British Holiday & Home Parks Association  
BACTA (The British Amusements Catering Trade Association)  
BALPPA (The British Association of Leisure Parks, Piers & Attractions Ltd)  
The Bingo Association  
The British Beer & Pub Association  
ABB (The Association of British Bookmakers)  
COA (UK) (Casino Operators' Association of the UK)  
Racecourse Association Limited  
The Gambling Commission  
Gala Coral  
S P Racing, Llandrindod Wells  
Evans & James, Brecon

**POWYS COUNTY COUNCIL**

**GAMBLING LICENSING POLICY**  
**STATEMENT**

**2016 - 2019**



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## **1. Introduction**

We have produced this statement, to become active in January 2016, as required by Section 349 of the Gambling Act 2005 (referred to in this statement as “the Act”) and having had regard to the Gambling Commission’s formal guidance issued under Section 25 of the Act, the licensing objectives and to the views of those that we have consulted. We consulted widely upon this statement before finalising and publishing. Details of consultees are listed at Appendix 3 to this statement.

This statement must be published at least every three years. The statement may also be reviewed from “time to time” and any amended parts re-consulted upon.

We intend that this document should provide information and guidance on the general approach that we will take to licensing. A series of advice sheets with more specific guidance is available from:

<http://www.gamblingcommission.gov.uk>

Nothing in this policy takes away the right of any person to make an application under the Act and to have that application considered on its merits; nor does it undermine the right of any person to object to an application or to seek a review of a licence where the law provides that they may do so. Applications will be considered in line with our statement of general principles, below.

## **2. Profile of Powys**

Powys is a very large rural authority with the lowest population density of all the Welsh authorities, a high proportion of residents are over retirement age. The main towns in Powys are: Newtown, Ystradgynlais, Welshpool, Machynlleth, Llanidloes, Rhayader, Llandrindod Wells, Knighton, Presteigne, and Builth Wells. In addition there are a number of smaller towns, villages and rural settlements.

Powys has a low number of authorisations issued under the Gambling Act 2005, there are no Casinos, Bingo halls, Licensed Adult Gaming Centres or Family Entertainment Centres, and it is unlikely that operators would consider locating such premises in Powys due to the low population density. However, there are 8 betting premises in Powys 4 in the North and 4 in the South; these are located in Newtown, Welshpool, Llandrindod Wells, Brecon and Ystradgynlais. The biggest cluster of betting shops is in Newtown which is currently home to 3 licensed betting shops.

Of these betting shops 2 are independently run the others are all national chains.

Powys currently has 50 premises benefiting from a club premises certificate issued under the Licensing Act 2003, the South of Powys is home to the largest number of clubs, of these currently 20 of benefit from either a Club Gaming Permit or Club Machine Permit which permits higher pay out machines.

There are roughly 400 pub/bars in Powys of which half benefit from a notification authorising up to 2 category D machines, only 3 premises benefit from a Gaming Machine Permit authorising more than 2 such machines.

The area hosts a number of temporary gambling activities notably trotting races authorised by way of Temporary use notices.

### **3. General Statement of Principles**

In carrying out our licensing functions in accordance with the Act, particularly with regard to premises licences, we will generally aim to permit the use of premises for gambling as long as it is considered to be :-

- (a) in accordance with any relevant Codes of Practice issued by the Gambling Commission
- (b) in accordance with any relevant Guidance issued by the Gambling Commission
- (c) in accordance with this Statement of Principles, and
- (d) reasonably consistent with the licensing objectives.

We will not seek to use the Act to resolve matters that are better dealt with by other legislation. Licensing is not the primary mechanism for general control of nuisance and the antisocial behaviour of people once they are away from licensed premises.

We will ensure that in dealing with applications under the Act we follow the required procedures, and only take into account issues that are relevant. Specifically we will not have regard to “demand” when considering applications for gambling premises; nor will we consider the suitability of applicants for premises licences (which is a matter for the Gambling Commission). We will not reject an application on moral grounds. If we do decide to reject an application, we will make known our reasons for doing so.

Our current Council Constitution (including the scheme of delegation) details the way that we will discharge our functions under this Act. Delegated functions are detailed in Appendix 1 to this statement.

Where an application is for a new premises licence, the responsible authorities may visit to check that gambling facilities meet all necessary legal requirements.

Where there are no representations (objections), licences and permissions will be granted subject only to any appropriate mandatory conditions (Section 167 of the Act) and any conditions having at least the effect of appropriate default conditions made under Section 168.

If there are objections that can't be resolved informally, or we intend to impose extra conditions, we will hold a public hearing at which our licensing sub-committee will hear evidence and make a decision in accordance with the Act.

This statement is not intended to override the right of any person to make an application under the Act, and to have that application considered on its merits. Equally, this Statement of Principles is not intended to undermine the right of any person to make representations about an application or to seek a review of a licence where provision has been made for them to do so.

#### **4. Licensing Objectives**

The Act lays out three licensing objectives;

##### **Preventing gambling from being a source of crime and disorder**

The Gambling Commission takes the leading role in preventing gambling from being a source of crime, and maintains rigorous licensing procedures aiming to prevent criminals from providing facilities for gambling. Applicants need an operating licence from the Commission before we will issue a licence to use premises for gambling.

We will not issue a premises licence to someone who does not hold an operator's licence, we are not generally concerned with the suitability of an applicant. Where concerns about a person's suitability arise we will bring those concerns to the attention of the Commission.

If an application for a licence or permit is received in relation to premises which are in an area noted for particular problems with organised crime, we will, in consultation with the Police and other relevant authorities, consider whether specific controls need to be applied to prevent those premises from being a source of crime. This could include a requirement for Security Industry Authority (SIA) registered door supervisors

Disorder will only be considered under this Act if it amounts to activity which is more serious and disruptive than mere nuisance, and where it can be shown that gambling is the source of that disorder. A disturbance might be serious enough to constitute disorder if police assistance was required to deal with it; we will then consider how threatening the behaviour was to those who could see or hear it, and whether those people live sufficiently close to be affected or have business interests that might be affected.

"Disorder" is generally a matter for the Police; we will not use this Act to deal with general nuisance issues, for example, parking problems, which can be better dealt with using alternative powers.

When making decisions relating to disorder, we will give due weight to comments made by the police.

##### **Ensuring gambling is conducted in a fair and open way**

The Gambling Commission does not expect local authorities to become concerned with ensuring that gambling is conducted in a fair and open way.



The Commission, through the operating and personal licensing regime, will regulate the management of the gambling business and the suitability and actions of an individual.

Because betting track operators do not need an operating licence from the Commission we may, in certain circumstances, require conditions of licence relating to the suitability of the environment in which betting takes place.

### **Protecting children and vulnerable people from being harmed or exploited by gambling**

The intention of the Act is that children and young persons should not be allowed to gamble, and should be prevented from entering those gambling premises which are “adult-only” environments.

Codes of Practice, including advice about access by children and young persons may be published by the Gambling Commission for specific kinds of premises. Applicants will be expected to heed this advice where applicable. We expect steps to be taken to prevent children from taking part in, or being in close proximity to, gambling. This may include restrictions on advertising to ensure that gambling products are not aimed at children, nor advertised in such a way that makes them particularly attractive to children.

When determining a premises licence or permit we will consider whether any additional measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises like pubs, clubs and betting tracks.

In seeking to protect vulnerable people we will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a mental impairment, alcohol or drugs.

We will always treat each case on its own individual merits and when considering whether specific measures are required to protect children and other vulnerable people will balance these considerations against the overall principle of aiming to permit the use of premises for gambling.

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.

These principles are:

The need for the body to be responsible for an area covering the whole of the Licensing Authority’s area.

The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

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

## **5. THE COUNCIL'S FUNCTIONS**

The Council, in its capacity as a Licensing Authority, is responsible for:

The licensing of premises where gambling activities are to take place by issuing *Premises Licences* Issuing *Provisional Statements* Regulating *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits Issuing *Club Machine Permits* to *Commercial Clubs* Granting permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres* Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines Issuing *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines Registering *small society lotteries* below prescribed thresholds Issuing *Prize Gaming Permits* Receiving and Endorsing *Temporary Use Notices* Receiving *Occasional Use Notices* Providing information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange') Maintaining registers of the permits and licences that are issued under these functions The exercise of its powers of compliance and enforcement under the 2005 Act in partnership with the Gambling Commission and other relevant responsible authorities.

## **6. Responsible Authorities**

Responsible authorities are identified in the legislation, and have to be notified about licence applications so that they can identify any risks. The responsible authorities that we recognise are listed below, contact details for each of the responsible authorities will be sent on request.

- The Gambling Commission
- The Chief of Powys Police
- Fire and Rescue Service
- Planning Department Powys County Council
- Environmental Protection, Powys County Council
- Safeguarding Team, Powys County Council
- HM Revenue and Customs
- Licensing Department Powys County Council
- any other person prescribed for the purposes of this section by regulations made by the Secretary of State.

Any concerns expressed by a Responsible Authority cannot be taken into account unless they are relevant to the application itself and the licensing objectives. However, each representation will be considered on its own individual merits.

## **7. Interested Parties**

An interested party is someone who:

- lives sufficiently close to the premises to be likely to be affected by the authorised activities, or
- has business interests that might be affected by the authorised activities, or
- represents persons in either of the two groups above.

We will require written evidence that a person/body “represents” someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representations be considered? is sufficient. Whilst this may not apply to those elected ward members or MP or Parish Councillors, those persons should be aware of the need to represent the whole of the community that they represent and not just the vocal “minority”.

In determining whether someone lives sufficiently close to a particular premises so as to be affected, we will take into account, among other things :

- the size of the premises
- the nature of the premises
- the distance of the premises from the person making the representation
- the nature of the complainant
- the potential impact of the premises

In determining whether a person has a business interest which could be affected the Council will consider, among other things:  
the size of the premises the catchment area of the premises, and  
whether the person making the representation has business interests in the catchment area that might be affected

If an existing gambling business makes a representation that it is going to be affected by another gambling business starting up in the area, we would not consider this, in the absence of other evidence, as a relevant representation as it does not relate to the licensing objectives and instead relates to demand or competition.

We may consider a representation to be either frivolous or vexatious, and reject it. This will generally be a matter of fact given the circumstances of each individual case but, before coming to a decision we will normally consider:

- who is making the representation and whether there is a history of making representations that are not relevant,
- whether it raises an issue relevant to the licensing objectives, or
- whether it raises issues specifically to do with the premises which are the subject of the application

## 8. Exchange of Information

Licensing authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission. It is also required to include the principles it will apply in exercising its functions under section 350 of the Gambling Act 2005 with respect to the exchange of information between it and other persons listed in Schedule 6 of the Gambling Act 2005.

The principle 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.

Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be detailed in reports that are made publicly available in accordance with the Local Government Act 1972 and the Freedom of Information Act 2000. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the Licensing Authority is asked to do so.

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

## 9. Enforcement

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 in respect of the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

**Proportionate:** regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;

**Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;

**Consistent:** rules and standards must be joined up and implemented fairly;

**Transparent:** regulators should be open, and keep regulations simple and user friendly; and

**Targeted:** regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

Powys County Council has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives;
- Relevant codes of practice;
- Guidance issued by the Gambling Commission, in particular at Part 36;
- The principles set out in this statement of licensing policy.

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005, is to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

## **10. Risk assessments**

Such 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.

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 council's inspection regime and may be requested when officers are investigating complaints.

The code requires the Council to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this council 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.

The council 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 that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking, etc.
- Recorded incidents of attempted underage gambling

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.

## **11. Premises licences**

A premises licence can authorise the provision of facilities at the following:

- casino premises
- bingo premises
- betting premises, including betting tracks
- adult gaming centres
- family entertainment centres

Premises can be “any place” but the Act generally prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be reasonably regarded as being separate “premises”.

This will allow large, multiple unit premises such as tracks, shopping malls or service stations to obtain discrete premises licences, with appropriate safeguards in place. We will pay particular attention if there are issues about sub-divisions of a single building or plot and mandatory conditions relating to access between premises are observed. We will not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partition, can properly be regarded as different premises. Whether different parts of a building can properly be regarded as being separate premises will depend on the individual circumstances of the case.

A particular requirement might be for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and people are not allowed to “drift” accidentally into a gambling area. It should normally be possible to access the premises without going through another licensed premises or premises with a permit. We would also expect customers to be able to participate in the activity named on the premises licence.

The Council has not passed a resolution under section 166(5) of the Gambling Act 2005 to not issue casino premises licences. If such a resolution were considered in the future, the Council would carry out a full public consultation and consider all responses before passing such a resolution.

We will not turn down applications for premises licences where relevant objections can be dealt with through the use of licence conditions.

Other than an application for a betting premises licence for a track, we are not able to issue a premises licence unless the applicant holds the relevant operating licence from the Gambling Commission.

When considering applications for premises licences we will not take into account either the expected “demand” for facilities or the likelihood of planning permission or building regulation approval being granted, as well as “moral” objections to gambling. Equally, the grant of a premises licence would not prejudice or prevent any action that may be appropriate under the law relating to planning or building regulations.

We are aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to our decision-making. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated.

We will only issue a premises licence once we are satisfied that the premises is ready to be used for gambling in the reasonably near future. Where we have agreed to grant a licence but substantial building works or alterations are still required we will impose a condition requiring the premises to be inspected on completion of the work and prior to the issue of the licence. Where the construction of a premises is not yet complete, or if they need alteration, or the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made as having a right to occupy the premises is a pre-condition to making a Premises Licence application.

We will apply a two stage consideration process if there is outstanding construction or alteration works at the premises:

- should the premises be permitted to be used for gambling;
- can appropriate conditions be imposed to cater for the situation that the premises is not yet in the state in which they should be before gambling takes place.

We are entitled to decide whether or not it is appropriate to grant a licence subject to conditions.

Applicants for premises licences are encouraged to propose any prohibitions or restrictions of their own in circumstances where it is felt that the presence of children would be undesirable or inappropriate.

## **12. Licence conditions**

In particular cases we may find it necessary to impose conditions beyond appropriate mandatory and default conditions. Any such conditions will be relevant to the need to make the building suitable for use 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. We will not have recourse to a pool of standard conditions.

We will also ensure that where category C or above machines that are on offer in premises to which children are admitted are located in an area of the premises which is separated by a physical barrier to prevent access other than through a designated entrance; the designated area is supervised and observed by staff or the licence holder.

Examples of conditions which are likely to be attached in certain circumstances include those relating to opening hours, segregation of gambling from non-gambling areas frequented by children, SIA licensed door



supervisors, appropriate signage for adult only areas, age limits, or keeping children and young persons away from gaming machines. We will also expect the applicant to offer their own suggestions as to way in which the licensing objectives can be promoted effectively.

We will not seek to control those matters specified in the Act with conditions:

- which make it impossible to comply with an operating licence condition imposed by the Gambling Commission, relating to gaming machine categories or method of operation,
- which specify that membership of a club or other body is required, or
- in relation to stakes, fees, winnings or prizes.

Duplication with other statutory or regulatory regimes will be avoided as far as possible. The need for conditions will be assessed on the specific merits of each application.

## **Reviews**

A review of a premises licence can be made by interested parties or responsible authorities, however, we will decide if the review is to be carried out on the basis of the following:

- In accordance with any relevant Code of Practice and/or guidance issued by the Gambling Commission
- Consistent with the licensing objectives
- In accordance with our statement of principles.

We will also consider whether or not the request for a review is frivolous, vexatious, or repetitious or whether we would wish to alter/revoke or suspend the licence.

We can also initiate a review of a premises licence on the basis of any reason which we think is appropriate, including if 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.

Once a valid application for a review has been received by us, representations can be made by responsible authorities and interested parties during the statutory consultation period. The purpose of the review will be to determine whether we should take any action in relation to the licence. The options available are:

- Add, remove or amend a licence condition;
- Remove or amend a default condition, such as opening hours;
- Suspend the premises licence for a period not exceeding 3 months;
- Revoke the licence.

### **13. Gaming Machines**

Gaming machines include all types of gambling activity which can take place on a machine, including betting on “virtual” events.

The Act itself prescribes the number and category of gaming machines that are permitted in each type of gambling premises.

Subject to the provisions of the Act, gaming machines can be made available in a wide variety of premises, including :

- betting premises, (including tracks )
- adult gaming centres
- family entertainment centres
- clubs
- pubs and other alcohol licensed premises
- travelling fairs

A machine is not a gaming machine if the winning of a prize is determined purely by the player’s skill. However, any element of “chance” imparted by the action of the machine would bring it within the definition of a gaming machine.

We will encourage permit and premises licence holders to adopt applicable codes of practice which may be introduced by the amusement industry or Gambling Commission, from time to time.

### **14. Temporary Use Notices**

These allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. We would 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. Premises that might be suitable for a temporary use notice would include hotels, conference centres and sporting venues. A temporary use notice may only be granted to a person or company holding a relevant operating licence.

Temporary use notices may only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner. Equal chance gaming is gaming which does not involve playing or staking against a bank and gives equally favourable chances to all participants. Examples of equal chance gaming include games such as backgammon, mah-jong, rummy, kalooki, dominoes, cribbage, bingo and poker.

### **15. Occasional Use Notices**

We have very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. Whilst tracks are normally thought of as permanent racecourses, this can also include land which has a number of uses for example agricultural land upon

which a point-to-point meeting takes place. Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

## **16. Lotteries**

All lotteries are unlawful unless they are run in accordance with an operating licence issued by the Gambling Commission - unless they are “exempt” lotteries as defined by the Act. One of those exemptions is for “small societies lotteries,” which we will allow, after registration.

A society will be allowed to register with us if it is “non-commercial”, in other words, if it is established and conducted :

- for charitable purposes ;
- for the purpose of enabling participation in, or of supporting, sport, athletic or a cultural activity; or
- for any other non-commercial purpose other than for private gain.

APPENDIX 1

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee</b>	<b>Officers</b>
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting – when appropriate	X		
Application for premises licenses		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 to transfer 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
Review of a premises licence		X	
Application for a club gaming/club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn

Cancellation of a 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	

X – indicates at the lowest level to which decisions can be delegated.

## APPENDIX 2

### Contact Details for Responsible Authorities.

#### Gambling Commission

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
0121 230 6666

#### Police

The Licensing Officer,  
Dyfed-Powys Police,  
Llanidloes Police Station,  
9 Lon Glandwr,  
Llanidloes,  
Powys  
SY18 6DD

08453302000  
07968220697

#### Fire Authority

The Licensing Officer,  
Mid & West Wales Fire & Rescue Service,  
Garth Road, Builth Wells,  
Powys, LD2 3AR.

Tel: 0370 6060699

#### Planning

Development Control Manager  
Economic and Community Regeneration Directorate  
The Gwalia  
Ithon Road, Llandrindod Wells,  
Powys, LD1 6AA.

Tel: (01597) 827169  
OR

Brecon Beacons National Park Authority  
Plas y Ffynon  
Cambrian Way, Brecon,  
Powys, LD3 7HR

#### Environmental Protection

Brecknockshire

Environmental Protection Officer  
Environmental Health Offices  
Neuadd Brycheiniog  
Cambrian Way, Brecon,#  
Powys, LD3 7HR.

Tel: (01874) 612250

Radnorshire

Environmental Protection Officer  
Environmental Health Offices  
The Gwalia  
Ithon Road, Llandrindod Wells,  
Powys, LD1 6AA.

Tel: (01597) 827168

Montgomeryshire

Environmental Protection Officer  
Environmental Health Offices  
Neuadd Maldwyn  
Severn Road, Welshpool,  
Powys, SY21 7AS.

Tel: (01938) 551299

Child Protection

Childrens Services,  
1 High Street,  
Llandrindod Wells,  
Powys, LD1 3AG.

Tel: (01597) 827325

HM Customs & Excise

**HM Revenue and Customs**

Cumbernauld Accounting Team  
St Mungo's Road  
Glasgow  
G70 5WY

