

Pwyllgor Deddf Trwyddedu 2003

Man Cyfarfod
By Teams

Dyddiad y Cyfarfod
Dydd Mawrth, 9 Tachwedd 2021

Amser y Cyfarfod
10.00 am

I gael rhagor o wybodaeth cysylltwch â
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Dyddiad Cyhoeddi

Mae croeso i'r rhai sy'n cymryd rhan ddefnyddio'r Gymraeg. Os hoffech chi siarad Cymraeg yn y cyfarfod, gofynnwn i chi roi gwybod i ni erbyn hanner dydd ddau ddiwrnod cyn y cyfarfod

AGENDA

1.	YMDDIHEURIADAU
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Derbyn ymddiheuriadau am absenoldeb.

2.	COFNODION
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Awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar y dyddiad canlynol fel cofnod cywir.

(Tudalennau 1 - 2)

3.	DATGANIADAU O DDIDDORDEB
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Derbyn unrhyw ddatganiadau o ddiddordeb gan Aelodau yn ymwneud ag eitemau i'w hystyried ar yr agenda.

4.	ADOLYGIAD TAIR BLYNEDD O'R POLISI DEDDF HAPCHWARAE
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Ystyried yr adroddiad.

(Tudalennau 3 - 40)

5.	EFFAITH COVID AR DRWYDDEDU
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Derbyn yr adroddiad.

6.

COFNODION YR IS-BWYLLGOR TRWYDDEDU

Nodi cofnodion yr Is-Bwyllgorau canlynol. Mae'r holl gofnodion wedi'u cymeradwy gan y Cadeiryddion perthnasol: 18 Mai 2021, 13 Gorffennaf 2021, 16 Gorffennaf 2021, 10 Awst 2021 a 2 Medi 2021 [i ddilyn].

(Tudalennau 41 - 52)

**MINUTES OF A MEETING OF THE LICENSING ACT 2003 COMMITTEE HELD AT
BY TEAMS ON TUESDAY, 8 SEPTEMBER 2020**

PRESENT

County Councillor J M Williams (Chair)

County Councillors F H Jump, H Lewis, I McIntosh, WD Powell, K S Silk, D A Thomas, D H Williams and J Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors L V Corfield, L George and P Pritchard. Councillor P Pritchard telephoned during the meeting to advise that he was having IT problems and could not access the meeting.

2.	MINUTES
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The Chair was authorised to sign the minutes of the meetings held on 5 September 2018 and 16 May 2019 as correct records.

3.	DECLARATIONS OF INTEREST
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County Councillor J Williams declared a personal interest as he was the Chair of the Albert Hall, Llandrindod Wells which had a premises licence.

During the meeting the following declarations were also made:
County Councillor K Silk declared a personal interest as she was a Director of a property company which owned a public house. She advised that the company was not involved in the running of the licensed premises. County Councillor Silk also declared that she was a magistrate.

County Councillor W Powell declared a personal interest as his son was a part-time barman.

4.	REVIEW OF LICENSING ACT 2003 POLICY
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The Committee noted that the Authority's current Licensing Act 2003 Policy was published in January 2016. In accordance with section 5 of the Licensing Act 2003 the Authority is required to publish a revised updated Licensing Act 2003 policy in January 2021.

The Committee was advised that the updated draft policy takes into account issues raised over the previous five years. It aims to improve and update the current policy taking into consideration legislative changes, revised guidance or relevant case law since 2016. The Senior Licensing Officer agreed to include a better map of the county. In response to questions she advised that anyone could make comments on licensing applications.

In response to concerns raised about safeguarding issues the Senior Licensing Officer advised that in addition to the limited restrictions specified in the Act premise owners would include details of suitable controls for safeguarding children in their operating schedule.

In response to comments the Senior Licensing Officer advised that she would add the Dyfed Powys Police and Crime Panel to the consultation list.

RESOLVED	Reason for decision
That the revised Licensing Act 2003 policy set out at Annex A [of the report] be approved for consultation. Following consultation consider any relevant comments at a future meeting and recommend a final policy to Full Council on 26th November for approval and publication in January 2021.	To comply with section 5 of the Licensing Act 2003 the authority is required to publish a revised updated Licensing Act 2003 policy in January 2021.

5. LICENSING SUB-COMMITTEE MINUTES

The Committee noted that the following Sub-Committee minutes had been noted at its meeting on 17 May 2018: 17 July 2017, 20 September 2017, 15 January 2018 and 16 April 2018.

The Committee noted the following Sub-Committee minutes: 13 July 2018, 19 July 2018, 13 August 2018, 12 November 2018 and 21 January 2019.

The Chair thanked the Members and officers for attending the meeting.

County Councillor J M Williams (Chair)

CYNGOR SIR POWYS COUNTY COUNCIL

LICENSING COMMITTEE

9th NOVEMBER 2021 VIA TEAMS

REPORT AUTHOR: SUE JONES, SENIOR LICENSING OFFICER

REPORT TITLE: GAMBLING ACT POLICY 3 YEAR REVIEW

REPORT FOR: Decision

1. Purpose

- 1.1 To consider an updated Gambling Act 2005 Policy set out in Annex A. The last Powys Statement of Principles was approved by this committee in 2018 and has been effective since 1st January 2019. The authority is required to consider the policy and update it, where appropriate, so that a revised policy is in place ready for 1st January 2022.

2. Background

- 2.1 The Gambling Act 2005 confers on 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.
- 2.2 In 2018 the policy underwent a major review following an exercise with the four councils within the Four Counties Licensing Forum (Carmarthen, Ceredigion, Pembrokeshire and Powys) alongside colleagues in the Gambling Commission. The aim of which was to bring our respective policies into a consistent format with consistent content wherever possible.
- 2.3 When considering any revisions for the 2022 policy respective officers from the Four Counties Forum and the Gambling Commission met together once again.
- 2.4 Following advice from the Gambling Commission it was agreed that there were no significant changes to the Gambling Act 2005 and its guidance to local authorities that would warrant any changes to the policy on this occasion and the advice was to ensure any local profiling statistics etc., contact details and links were updated within the

document. Annex A is the revised document with these minor changes highlighted

- 2.5 Despite the lack of any substantial amends there is a statutory duty for the authority to consult on the policy. It is proposed that the draft policy will go out for consultation for a 4-week period, to allow for any comments.
- 2.6 Should there be no comments then the policy will be published in time for 1st January 2022. Otherwise, any comments will come back to this committee for consideration before 1st January 2022.
- 2.7 The Gambling Commission did advise that within the next 3-year period a white paper is expected to be published proposing major reforms to the Gambling Act 2005, this will likely require some major changes to the policy, possibly before the end of the 3 year period.

3. Advice

- 3.1 For members of this committee to approve a revised Gambling Act 2005 policy to go out for consultation and if no comments are made for it to be published in readiness for 1st January 2022. This will ensure that the authority has carried out it's statutory duty under the Act.

4. Resource Implications

- 4.1 There are no additional resource implications for this, the work undertaken by the senior licensing officer taking part in any meetings, undertake the review, produce and present the report and carry out the consultation is managed within the service budget which is supported by the Gambling Act fees paid annually by licence/permit holders.
- 4.2 The Head Finance (Section 151 Officer) notes the content of the report and based on 4.1 above can support the recommendation.

5. Legal implications

- 5.1 The Principal Solicitor (Shire) supports the review of policy contained in this report as required by section 349 of the Gambling Act 2005.
- 5.2 The Head of Legal and Democratic Services (Monitoring Officer) has commented as follows: " I note the legal comment and have nothing to add to the report".

6. Data Protection

6.1 N/A

7. Comment from local member(s)

7.1 N/A

8. Integrated Impact Assessment

8.1 Not required, no policy changes.

Recommendation

Members approve the revised Gambling Act 2005 policy as set out in Annex A to go for consultation. If no relevant comments are made to then it will be published in readiness for 1st January 2022, any relevant comments will require a further meeting for members to consider.

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Head of Service:	Gwilym Davies
Corporate Director:	Nigel Brinn

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol



Gambling Policy Gambling Act 2005

STATEMENT OF GAMBLING POLICY

Gambling Act 2005

Contents

Section No	Item	Page
Part A	Statement of Gambling Policy	2
1	The licensing objectives	2
2	Introduction	2
3	Declaration	3
4	Responsible Authorities	4
5	Interested parties	4
6	Exchange of information	5
7	Enforcement	6
8	Licensing Authority functions	6
Part B	Premises Licences	7
9	General Principles	7
10	Adult Gaming Centres	16
11	(Licensed) Family Entertainment Centres	16
12	Casinos	17
13	Bingo	17
14	Betting premises	18
15	Tracks	18
16	Travelling Fairs	20
17	Provisional Statements	20
18	Reviews	21
19	Risk Assessments	22
Part C	Permits/Temporary and Occasional Use Notices	23
20	Unlicensed Family Entertainment Centre gaming machine permits	23
21	(Alcohol) Licensed premises gaming machine permits	24
22	Prize Gaming Permits	25
23	Club Gaming and Club Machines Permits	26
24	Temporary Use Notices	27
25	Occasional Use Notices	28
26	Small Society Lotteries	29
Appendix		
Appendix A	Delegation of Functions	30
Appendix B	Contact Details	31
Appendix C	Map of Powys	33

PART A

Statement of Gambling Policy

1. The Licensing Objectives

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

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

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

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

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

2. Introduction

2.1 Powys is the largest county in Wales in geographic terms, with a population **in 2021 of 133000**, however it has the lowest population density in Wales. As a primarily rural area, Powys has a strong agricultural base key market towns providing for the needs of communities in the rural settlements.

2.2 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. There are 7 betting premises in these 2 are independently run the others national chains. **There have been no new applications for betting shops in Powys since 2014 and none have closed since the last policy review.**

2.3 The South of Powys is home to the largest number of clubs, of these **currently 10 of them 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 150 benefit** from a notification authorising up to 2 category D machines, **only 4 premises** benefit from a Gaming Machine Permit authorising more than 2 such machines.

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

2.5 The authority has registered 380* small societies who conduct lottery draws to raise funds for their society

* October 2021 figures

2.6 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed periodically and any amended parts re-consulted upon. The statement must be then re-published. This document is Powys County Council's statement of principles in accordance with the Act and has been reviewed and updated October 2021

2.7 This policy has been formulated as a result of collaboration between the four Counties in the Dyfed Powys police area namely, Carmarthenshire, Ceredigion, Pembrokeshire and Powys (The Four Counties Licensing Forum) and following advice and guidance given by representatives of the Gambling Commission. The aim was for a consistent policy across the areas represented.

2.8 The policy will be subject to consultation with the responsible authorities and interested parties.

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

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

3. Declaration

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

3.2 Glossary of Terms

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

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

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

4. Responsible Authorities

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

- The Gambling Commission
- The Chief of Dyfed Powys Police
- Mid and West Wales Fire and Rescue Service
- Planning Department Powys County Council and Brecon Beacons National Parks
- 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

5. Interested parties

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

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

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

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

- Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.9 and 8.17. It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, community councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Section.

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

6. Exchange of Information

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

6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the General Data Protection Regulation 2016 and Data Protection Act 2018 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

7. Enforcement

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

8. Licensing Authority functions

- 8.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences; for Bingo premises, Betting premises, Tracks, Adult Gaming Centres and Family Entertainment Centres.
 - Issue Provisional Statements;
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits;
 - Issue Club Machine Permits to Commercial Clubs
 - Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres;

- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines;
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines;
- Register small society lotteries below prescribed thresholds;
- Issue Prize Gaming Permits;
- Receive and Endorse Temporary Use Notices;
- Receive Occasional Use Notices;
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange');
- Maintain registers of the permits and licences that are issued under these functions.

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

PART B

PREMISES LICENCES – CONSIDERATION OF APPLICATIONS

9. General Principles

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

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

9.3 Decision-making

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

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

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

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

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

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

9.5 Definition of “premises” – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, we will pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

9.6 The Gambling Commission states in S7.6 of the fifth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. S7.7 The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit”

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not “drift” into a gambling area. In this

context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.

- Customers should be able to participate in the activity named on the premises licence.

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

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

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

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

7.23:

Casinos

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

Adult Gaming Centre

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

Betting Shops

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

- a betting premises, other than a track

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

Premises "ready for gambling"

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

- 9.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 9.11 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 9.12 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 9.13 More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.58-7.65 of the Guidance.
- 9.14 Location - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. This does not preclude any applications being made and each application will be decided on its merits.
- 9.15 When determining an application to grant a Premises Licence or review a Premises Licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres or residential areas where there is an evidential link between the proximity of such premises and the gambling premises. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. Therefore, if an Applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

9.16 Duplication with other regulatory regimes

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

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

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

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

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

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

- a) This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- b) The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective.
- c) Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- d) When preparing licence applications, applicants are advised to consider the following:-
 - 1. The design and layout of the premises;
 - 2. Location in so far as the location relates to the licensing objectives
 - 3. The training given to staff in crime prevention measures appropriate to those premises;

4. Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
5. Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
6. The likelihood of any violence, public order or policing problem if the licence is granted.
7. In relation to the prevention of disorder, the Authority has the ability (under S169 of the Act) to impose licence conditions.
8. The staffs awareness of the Money Laundering Regulations and the provision of a clear procedure for reporting any suspicious activity to senior management

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

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

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

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

c) Children and vulnerable persons

1. Children

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

2. Test Purchasing

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

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

d) Vulnerable Persons

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

e) Local Health Board Notification.

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

f) Good Practice Guidance

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

- Welsh Government Framework on Tacking the Night Time Economy
- The Relationship Between Alcohol and Gambling behaviours - Alcohol Concern Cymru (2015)
- Gambling with Our Health – Chief Medical Officer for Wales Annual Report 2016/17

g) Training

Where premises operators are providing staff training consideration should be given on including training on drug and alcohol related issues, particularly training on local policies for dealing with discarded needles and the risks of blood borne virus in order to protect staff. Training could also include awareness of the types of new and emerging drugs referred to as “New Psychoactive Substances” (previously “Legal Highs”) in order to better equip staff to handle use on premises.

Local services can provide short, bespoke courses free to licensed premises and operators are strongly advised to contact the licensing authority for details of how to access these courses.

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

h) Safeguarding

1. Powys County Council believes that the safeguarding of Children and Vulnerable adults is a priority.
2. The authority believes that businesses offering gambling activities need to ensure that their staff have been adequately trained in relation to safeguarding matters in order to respond appropriately and quickly where issues arise. This advice is equally as important to operators of premises which offer gaming machines alongside the sale or supply of alcohol.

3. The authority strongly suggests that applicants for authorisations include information regarding their arrangements for staff safeguarding training as part of the application documents.
4. Gambling businesses are advised to contact the licensing section or visit the Authority's gambling web pages to obtain copies of the documents.

i) Bet – Watch

The Authority encourages and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with licensing officers.

9.20 Any conditions attached to licences will be proportionate and will be:

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

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

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

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

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

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

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

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

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

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

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

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

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

- a) Carry out Criminal Record checks (CRB) on each individual
- b) Provide details of their criminal convictions criteria
- c) Explain the proposed method of identifying these individuals when working in the capacity of door supervisors.

- d) Indicate the ratio of male and female operatives
- e) Provide details of the appropriate training for the role
- f) Provide a work register showing the duty time and date (same applies to SIA registered).

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

10 Adult Gaming Centres

10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

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

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to vulnerable adults from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

11 (Licensed) Family Entertainment Centres:

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Applicants are strongly advised to refer to the safeguarding information set out on page 13 of this policy document.

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

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

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

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

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

12 Casinos

12.1 There are currently no casinos operating within the county.

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

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

13 Bingo premises

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

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

13.2 This authority also notes the Guidance at paragraph 18.8 regarding the unusual circumstances in which the splitting of a pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate sixteen category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

13.3 Paragraph 18.7 further states that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

14 Betting premises

14.1 **Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of

the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. This Licensing Authority expects applicants to demonstrate suitable measures to ensure children do not have access to such machines.

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

- Adopt a proof of age scheme such as challenge 21 or 25;
- How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 19.5 of this policy will be addressed
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

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

15 Tracks

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

15.2 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

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

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

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

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

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

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

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

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

15.9 Applications and plans

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

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

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

- Location of any gambling areas at the premises covered by separate licences or permits.
- The plan may include a legend through which the above matters may be identified.

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

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

16 Travelling Fairs

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

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

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

17 Provisional Statements

17.1 Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

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

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

- 17.3** The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 17.4** In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 17.5** The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:
- they concern matters which could not have been addressed at the provisional statement stage, or
 - they reflect a change in the applicant's circumstances.
- 17.6** In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- which could not have been raised by objectors at the provisional statement stage;
 - which in the authority's opinion reflect a change in the operator's circumstances; or
 - where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

18 Reviews:

- 18.1** Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;
- in accordance with any relevant Code of Practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of principles.
- 18.2** The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- 18.3** The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

- 18.4** Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 18.5** The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.6** The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-
- (a) add, remove or amend a licence condition imposed by the licensing authority;
 - (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; and
 - (d) revoke the premises licence.
- 18.7** In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.
- 18.8** In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.9** Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- the licence holder
 - the applicant for review (if any)
 - the Commission
 - any person who made representations
 - the chief officer of police or chief constable; and
 - Her Majesty's Commissioners for Revenue and Customs

19 Risk Assessments

- 19.1** Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The Licence Conditions and Code of Practice issued by the Gambling Commission (The code) requires all operators of; Adult Gaming Centres (AGC's), Bingo Premises, Family Entertainment Centres (FEC's), Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.
- 19.2** Operators are required by the code from 6th April 2016 to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Authority's inspection regime and may be requested when officers are investigating complaints.
- 19.3** Operators must ensure that a copy of the current premises risk assessment is kept at the premises alongside the premises licence document and made available to staff.

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

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

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

Matters relating to children and young persons, including;

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

19.6 Matters relating to vulnerable adults, including;

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

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

PART C

Permits/Temporary & Occasional Use Notice

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

- 20.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238 of the act).
- 20.2 An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and the Chief Officer of Police has been consulted on the application. This Licensing Authority will expect applicants to :
- Demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - Demonstrate that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - Demonstrate that staff are trained to have a full understanding of the maximum stakes and prizes.
 - Demonstrate an understanding of safeguarding issues highlighted on page 13 of this policy.
 - Provide a basic DBS check dated within one calendar month of the date of application being submitted (unless the applicant holds a current Operator's licence issued by the Gambling Commission)
 - Provide plans of the premises which comply with the requirements of paragraph 15.9 – 15.10 of this policy and which illustrate the proposed locations of gaming machines and the locations of staff managing and supervising the centre.
- 20.3 When considering any convictions revealed in an application the licensing authority will consider the nature and relevance of the offence, how long ago it took place and any other factors that may be relevant. The application will be subject to the terms of the Rehabilitation of Offenders Act and "spent" convictions may not be referred to when considering the permit application. The application process will make specific reference to the Relevant Offences listed in Schedule 7 to the Gambling Act 2005.
- 20.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 20.5 **Statement of Principles** - This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations.
- 20.6 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, appropriate measures / vetting of staff/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.
- 20.7 Applicants are advised to refer to the Safeguarding advice outlined on page 13 of this Policy or contact the relevant Responsible Authorities for further guidance.

21.(Alcohol) Licensed premises gaming machine permits

Gaming Machines -Automatic Entitlement

21.1 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.

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

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

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

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives under the 2005 Act, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant”.

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

1. A plan of the premises in accordance with paragraph 15.10 of this policy on which they shall show the proposed location of each gaming machine along with details of the locations of supervising staff as well as Notices and signage.
2. Information regarding the nature of the premises including access to the premises by persons aged under 18.

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

21.5 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.

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

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

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

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

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

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

22.3 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).

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

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

23. Club Gaming and Club Machines Permits

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

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

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

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

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

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

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

23.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced". The grounds on which an application under the process may be refused are:

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

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

23.6

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

- Adopt a proof of age scheme such as challenge 21 or 25;

- How any risks to children and vulnerable persons from gambling will be addressed;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

24. Temporary Use Notices

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

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

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

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

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

25. Occasional Use Notices

25.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice. This licensing authority will also ensure that no more than 8 OUNs are issued in one calendar year in respect of any venue.

26. **Small Society Lotteries**

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

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

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

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

Charities and community groups should contact the licensing authority.

DELEGATION OF FUNCTIONS

Matter to be dealt with	Committee	Sub-Committee	Officers
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.

GAMBLING ACT 2005

GAMBLING POLICY

Appendix B

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,
Brecon Police Station
Cambrian Way
Brecon
Powys
LD3 7HP

08453302000
07968220697

Fire Authority

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

Tel: 0370 6060699

Planning

Planning Service
County Hall
Spa Road
Llandrindod Wells,
Powys, LD1 5LG

Tel: (01597) 827169
OR

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

Environmental Protection

Senior Environmental Protection Officer
Environmental Health Offices

Ty Maldwyn
Brook Street, Welshpool,
Powys, SY21 7PH

Tel: (01938) 551299

Safeguarding

Powys People Direct
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG

HM Customs & Excise

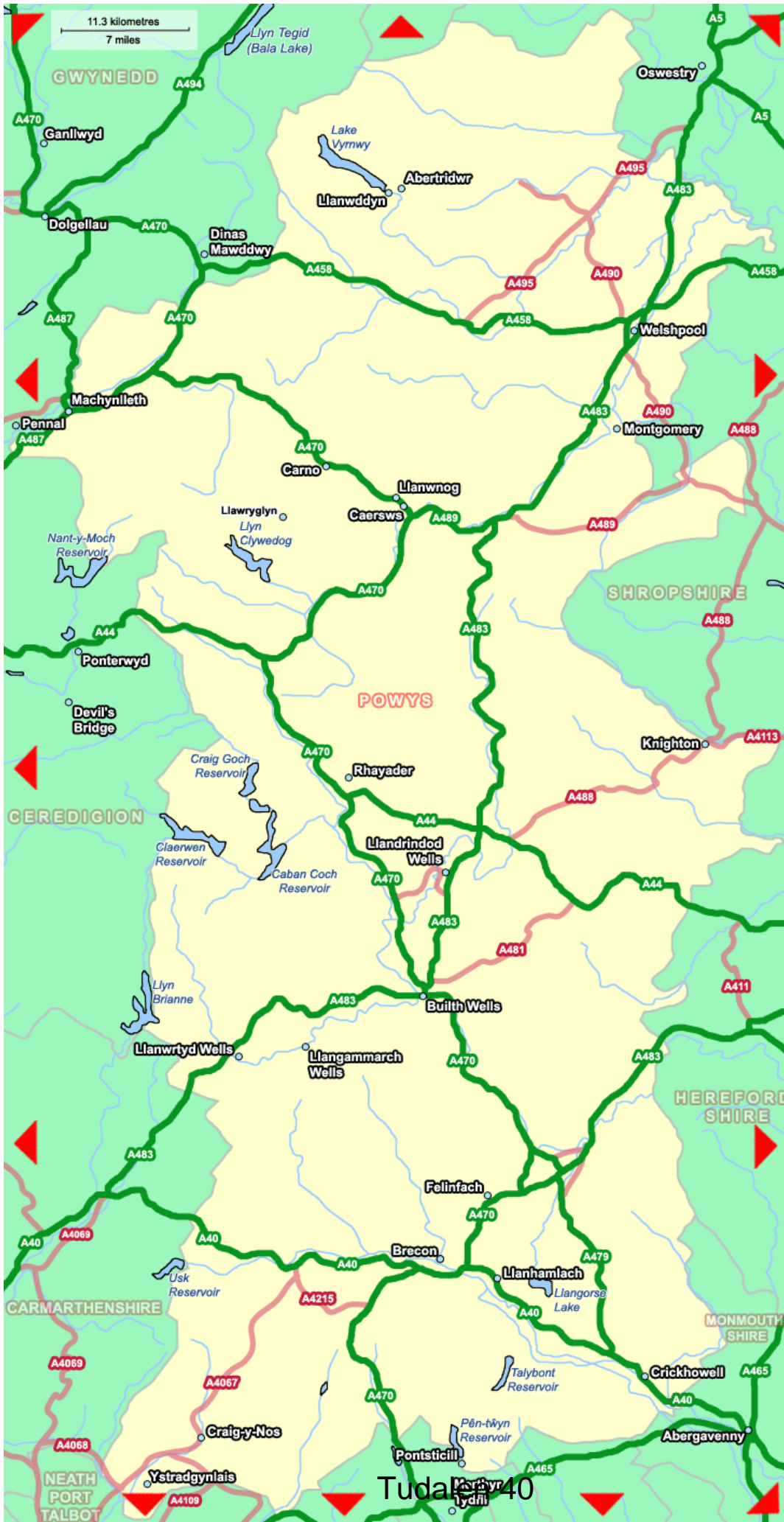
HM Revenue and Customs

HM Revenue and Customs
Excise Processing Teams
Gambling Duties
BX9 1GL
United Kingdom

Email - nrubetting&gaming@hmrc.gsi.gov.uk
Telephone 0300 200 3700

The following interested parties are also invited to comment on the draft Powys Statement Of Principles:

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



**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD BY TEAMS
ON TUESDAY, 18 MAY 2021****PRESENT**

County Councillor L V Corfield (Chair)

County Councillors F H Jump and H Lewis

1. APPLICATION FOR PREMISES LICENCE
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1.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

1.2. Application for a licence

Premises – River Wye Activity Centre, Glasbury

Applicant – Mr L Head, Manager and Mr R Finley, Managing Director

Objector – Mr T Scanlan

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. He advised that the Licensing section was happy with the consultation undertaken by the applicant.

Mr Head spoke on behalf of the applicant. He advised that CCTV was being installed and the camping pitches were being moved further away from the surrounding houses. In respect of concerns raised about alcohol on the site he confirmed that when outdoor education camps for children are on site, no alcohol is sold on the site. He also advised that the use of drugs on site would not be tolerated. In response to questions regarding unsocial behaviour, he advised that extra toilet and shower facilities were being installed. He advised that Environmental Health had attended the site and had monitored it when a large group was on site and no concerns had been raised. In respect of a question about staff training, Mr Finley advised that although many staff had previously worked at other licenced premises, at the start of a new season all staff complete licensing training. Mr Head confirmed that the site operates a "quiet after 10pm policy". This is referred to on the booking system and the duty staff who patrol the site will remind people of the policy and if people cause serious noise, they would be asked to leave.

Mr Scanlan raised concerns about noise levels during 2019/20, the number of people staying at the site at any one time and parking in the surrounding area. He also asked the applicant to consider more planting and fencing to reduce the impact of noise on the surrounding houses, to install a lock on the side access gate onto the site after 7pm each evening, so only site users could use this access and asked for more engagement with the local community. In response, Mr Finley stated that the number of users on site at any one time was being reduced and the long-term plan was to do away with mass camping. He advised that they were looking at how to create parking on site to reduce the pressures

on the village and trees were being planted to create a sound barrier and they would implement his suggestion about the side gate. Mr Finley and Mr Head noted Mr Scanlan's concerns and acknowledged that communication with the local community could be improved and Mr Head advised that their plans for the site over the next five years was available on their website.

The Licensing Officer advised that the information from the police had been included in the agenda as there was a vast difference between what objectors and the applicant were saying.

All parties confirmed that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, including the written objections in so far as they were relevant, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members considered the relevant written and verbal representations.

RESOLVED	Reason for decision
That the licence be granted.	The Sub-Committee were satisfied that the licensing objectives were promoted pursuant to the Licensing Act 2003.

The Chair advised that the Sub-Committee had been encouraged by the applicant's offer to engage with the local community, take note of local concerns and lock the side gate each evening.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal.

The Chair thanked all for attending.

County Councillor L V Corfield (Chair)

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD BY TEAMS ON TUESDAY, 13 JULY 2021

PRESENT

County Councillor J M Williams (Chair)

County Councillors F H Jump and D H Williams

1.	APPLICATION FOR PREMISES LICENCE
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1.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

1.2. Application for a licence

Premises – 4 Seasons Country and Leisure Park, Trefeglwys, SY17 5QZ

Applicant – Mr J Williams and Mrs L Hughes

Objector – Mr T Kelly

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

Mr Williams advised that they had developed a new holiday complex and a 5* bar and restaurant. The complex would be a place for peace and tranquillity. They had no plans for recorded music. They noted that Environmental Health had not objected to the application and they had met with the police's licensing officer who had not raised any objections and CCTV would be operational around the Park. In response to questions from the Sub-Committee regarding noise, he advised that staff in the bar would manage noise levels with the bar closing at 10.30pm. People will be asked to leave quietly and there would be signs around the site. The site has planning permission for 43 lodges, 72 static caravan pitches and 67 touring caravan pitches.

In response to questions from Mr Kelly regarding managing the customers, noise levels and the anti-social behaviour the applicant advised that there was no evidence to support the Mr Kelly's concerns. He advised the facility is a restaurant and not a pub and that any anti-social behaviour will be managed by the staff and people will be asked to leave. The police licensing officer had no objections to the application. There would be signs around the site regarding noise levels. He stated that this was not a night club. In response to the solicitor's question regarding whether regular entertainment or discos would be provided, Mr Williams stated they would not be having this type of entertainment in the restaurant.

Mr Kelly in his statement to the Sub-Committee said that the scale of the development had been misrepresented and this would lead to noise and disruption in the area. He considered that with 180 pitches there could be 400 people on site and a few signs around the site asking people to keep noise levels

down would not quell human nature, when alcohol was consumed. He stated that the site was in a natural bowl, which affects the acoustics and so makes noise audible and disruptive across the valley. He was concerned that the application was for a licence which allowed drinking and playing music all day, which was not appropriate for the valley.

In response to a question regarding the landscape Mr Kelly advised that the valley was parabolic in nature which focusses the sound.

In summing up Mr Kelly stated that he did not believe that the applicant had a sufficiently robust plan for the management of noise and anti-social behaviour which would result from an all day alcohol licence.

In summing up the applicant stated that they were experienced in running a business which dealt with large numbers of people. The complex was for a 5* holiday complex with a fine dining restaurant and bar.

All parties confirmed that they were satisfied that they had been able to make their representations.

The Licensing Officer advised the Committee that the licenses for other premises in the area were:

Red Lion 11.00am – 12.30am Sunday – Thursday and 11.00am – 1.30am Friday and Saturday

Community Centre – 9.00am – 2.00am – seven days a week.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That the licence applied for be granted.	The Sub-Committee were satisfied that the licensing objectives were promoted pursuant to the Licensing Act 2003.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded Mr Kelly of his right to appeal. He also advised that if local residents had evidence of problems with the operation of the licence they could submit this to the Licensing Authority and apply for a review of the licence.

The Chair thanked all for attending.

County Councillor J M Williams (Chair)

**MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD BY TEAMS
ON FRIDAY, 16 JULY 2021**

PRESENT

County Councillor J M Williams

County Councillors L V Corfield and G I S Williams

1. APPLICATION FOR PREMISES LICENCE
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1.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

1.2. Application for a licence

Premises – Co-operative, High Street, Crickhowell NP8 1BW

Applicant – Co-operative Group Food Ltd represented by Mr R Arnot, Solicitor and Mr J Morris, Area Manager.

Objector – Mr D Christy, Community Councillor, Vale of Grwyney Community Council

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes]. He advised that the Licensing section was happy with the consultation undertaken by the applicant.

Mr Arnot spoke on behalf of the applicant. He advised the Sub-committee that it was hoped the store would open in November. The Co-op was a risk adverse organisation. He explained the training for new staff on their responsibilities in respect of the sale of alcohol, how they are "buddied" with a more experienced member of staff, that they are not allowed to sell alcohol until the store manager is satisfied that they can do this within the law. He advised that staff also receive two refresher courses each year. He stated that the store will have CCTV, staff will use the Challenge 25 system and the tills automatically remind staff to check alcohol sales. Team Leaders also receive advanced training. He advised that the police had no objections and had not requested any conditions. In addition, the local PC had not identified any crime and disorder issues.

Mr Arnot referred to the objections and advised the Sub-committee that the Spar was already in a location near the school and operated longer hours than those applied for by the Co-op. He also advised that the school had not raised any objections to the application. In respect of Sunday Trading Law, this only applies if the trading area is over 280sq. metres. Although the total store area is 293sq. metres, the trading area is 217sq. metres and so the Sunday Trading Laws do not apply to this application. He advised that if a member of staff was to sell alcohol to a child they would be sacked, as their action would let the Co-op down and its members.

In a response to a question from the Sub-committee regarding the store size he confirmed that the Sunday Trading Law only refers to the retail sales area of a store and this was 217sq metres, which was below the level for the former. Mr Morris in response to a question advised that a manager had not been appointed but they would like to appoint someone from the local/surrounding area.

Mr Christy questioned the size of the trading area, which in the planning application had been stated as 293sq. metres, but now Mr Arnot had stated as being 217sq. metres. Mr Arnot confirmed that the trading area of 217sq. metres was what needed to be considered when considering Sunday trading Laws. The Clerk to the Committee advised that the Sub-Committee could only consider licensing issues and any issues regarding the planning application and related planning permission should be taken up outside of the meeting with the relevant planning authority.

Mr Christy spoke on behalf of objectors and strongly objected to the application and considered that if the trading area was now as Mr Arnot stated 217sq. metres it renders the original planning application as false. He considered that the application would have an adverse effect on three of the four licensing objectives, namely crime and disorder, public nuisance and harm to children. He advised the Sub-Committee that there was already anti-social behaviour in the area especially by young people and he considered that the hours applied for were inappropriate for a small town. He considered that a commercial company such as the Co-op would not know local people as the current independent shop owners. In response to a question from the Sub-Committee he advised that the 500 letters to which he referred were in respect of the planning application. The Clerk to the Sub-committee advised that this was not relevant in respect of the licensing application.

In summing up Mr Christy advised that the application was inappropriate for the local area and that he would go back to the Brecon Beacons National Park Planning Authority regarding the original planning application in respect to the issue of the size of the trading area.

Mr Arnot in summing up stated that the planning application related to the whole of the store, which included back of house areas. He advised he checked the trading area during the meeting and it was actually 222.9sq. metres and was still below the Sunday Trading Law level of 280sq. metres. He advised that if there is currently anti-social behaviour in the area then the Co-op is not the cause of this but he reminded the Sub-Committee that the police had not objected to the application. He stated that the Co-op had robust procedures in place to manage the licence and that there were no valid reasons to reject the application.

All parties confirmed that they were satisfied that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
That the licence applied for be granted.	The Sub-Committee were satisfied that the licensing objectives were promoted pursuant to the Licensing Act 2003.

The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded the objectors of their right to appeal. He also advised that if local residents had evidence of problems with the operation of the licence they could submit this to the Licensing Authority and apply for a review of the licence.

The Chair thanked all for attending.

**County Councillor J M Williams
Chair**

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

MINUTES OF A MEETING OF THE LICENSING SUB-COMMITTEE HELD AT BY TEAMS ON TUESDAY, 10 AUGUST 2021

PRESENT

County Councillor K Lewis (Chair)

County Councillors H Lewis and WD Powell

1. APPLICATION FOR PREMISES LICENCE
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1.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

1.2. Application for full variation of a licence

Premises – 1898

Applicant – Mr L Bowyer and Mr R Burr

Objectors – Ms D Barlow and Mr P Owen

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

In a response to a question from Ms Barlow regarding the conditions in the current licence which had been struck through, the Licensing Officer advised that these would not be replaced if the Sub-Committee was minded to approve the application because the regulations relating to such things as fire safety were now covered by other new legislation. She advised that licensing conditions should not duplicate conditions from other legislation. She stated that new conditions had been noted at the end of the current licence contained in Annex B and a new condition was recommended which would refer to the fire risk assessment, which was due from the Fire Authority. In response to a question regarding the views of the Environmental Health Officer, the Licensing Officer read out the Environmental Health Officer's statement as a result of his visit to the premises during refurbishment and on 3 August when he monitored noise levels.

Ms Barlow advised the Sub-Committee that the hub of her concerns was that the proposed variations to the current licence would present an increased risk of noise nuisance to nearby residents due to amplified music escaping from the premises and from the behaviour of patrons outside the venue. The alterations to the premises facilitates a two floor nightclub, with amplified music being played on both floors simultaneously. In addition, the number of customers had risen from 170 to 500. She advised that the premises had opened the previous weekend and the noise escaping from the building was intolerable and this went on to after 0200hrs and was unacceptable in a mainly residential area. She felt the current conditions should not be removed. She advised the Sub-Committee that the side door opened direct onto the side street and when opened the noise was a nuisance. She considered that a lobby was needed or the door should be linked to a sound limiting device. She was concerned that the Environmental

Health Officer did not monitor the noise level late at night when there would be no traffic noise. She advised that she had recorded the noise levels from 10pm to 1.00am and would be happy to provide these to the Environmental Health Officer. Ms Barlow considered that the following conditions should be added – (i) before the removal of conditions prohibiting amplified music on the ground floor after 11pm, the owners should be required to obtain an acoustic engineer's report on the current sound insulation to confirm its suitability and to agree sound levels with the Environmental Health Officer at the nearest/most sensitive location, (ii) the sound levels should be under the direct control of the DPS and should be maintained at the level approved by the Environmental Health Team and she suggested two levels were necessary, with one for midnight onwards unless the low frequency noise can be negated by additional measures, (iii) the current condition regarding the sound limiting or cut out device should remain and (iv) if the owners are reluctant to install an acoustic lobby, the side entrance/exit door should be connected to the sound limiter device.

Mr Owen advised that the High Street was a mainly residential in nature and is recognised in the Welshpool Town Plan. There is an emphasis on providing housing in the area. The premises and area are not a suitable location for a nightclub.

In response to questions from the Sub-Committee Ms Barlow stated that the Environmental Health Officer had not appeared to monitor noise levels late in the evening and he did not monitor levels on the opening night. Mr Owen advised that the noise continued to 0200hrs and was very loud and at that time there is no traffic. Ms Barlow stated that the stewards were not ensuring that the side door was closed when not in use. Ms Barlow in response to a question advised that she had recorded the noise on her iPhone.

Mr Burr advised the Sub-Committee that the venue was not a night club but provided light music downstairs and a party bar is provided upstairs. He advised that the music stopped downstairs at 10:30pm on Saturday night. They took noise level readings after this, near the objector's house and this was 54db. He advised that Mike Brew, an experienced technical engineer was providing advice in respect of noise levels. Mr Bowyer referred to his experience within the industry and advised the Sub-Committee of the alterations to the premises which included sound insulation and soundproof blocks. He indicated that it would not be feasible to put a noise limiter on the door as this would affect the sound within the premises. In respect of the patrons leaving the premises they would be directed out of the building by the side door which was away from the High Street.

In response to questions from the Sub-Committee Mr Bowyer advised that customers were controlled and queued along the alley way and there was no trouble on the first night. The venue would provide a party bar for customers aged 18-80 and was not a night club. Mr Bowyer advised that as they had a lot of experience within the industry, they would not be intimidated by customers asking them to turn up the volume. The sound levels would be locked to various levels dependant on the type of music. In response to a question from the Solicitor Mr Bowyer advised they had downloaded an app to monitor noise levels. Monitoring was done at approximately 8pm, 11pm, 12:30am and 1:45am monitoring was undertaken outside of the building and noise levels were never above 52db. The Solicitor highlighted that there seemed to be a vast difference

between the noise levels recorded by the applicant and the levels recorded by the objectors. The applicant advised that Mr Brewer was a qualified sound engineer. In response to questions Mr Bowyer and Mr Burr indicated that when the outside door is open the inside door will be closed. They indicated that they would be happy to open the door in such a way that the noise could be deflected down the alleyway rather than into the High Street. Mr Bowyer advised that the current licencing conditions allowed people to enter and exit the building through the front door on the High Street however to address noise issues they had agreed that the side door on the alleyway should be used. In response to questions from Ms Barlow, Mr Bowyer advised that the front door would be used for people with disabilities and as an emergency exit. He acknowledged that the front door had no sound proofing. In response to questions from Ms Barlow, Mr Bowyer advised that no drinks would be allowed outside the building and people would only be allowed outside to smoke. He considered that customers had been controlled in and out of the door on the opening night.

In summing up Ms Barlow advised that she lived in the nearest residential property and this was a residential area. People were unaware of the application. She advised that the concerns regarding noise could be ameliorated and if a proper sound engineer was employed and the Environmental Health Officer had visited at more appropriate times. Mr Bowyer in summing up said that they had no complaints from residents who were closer to the premises. He indicated that they had listened to what people had said and listen to objections.

All parties confirmed that they were satisfied that they had been able to make their representations.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

RESOLVED	Reason for decision
<p>that the application be approved and the following conditions be added to those in the officer's report:</p> <ul style="list-style-type: none"> • The side door remained closed and only opened for people to enter and exit the premises and • The front door to remain closed at all times and only used in an emergency or to eject people [it was noted that the door would need to be used for anyone with a disability]. <p>The Sub-Committee also requested that the Environmental Health Officer monitors the</p>	<p>The Sub-Committee were satisfied that the licensing objectives were promoted pursuant to the Licensing Act 2003.</p>

premises by taking sound readings later in the evening and also around 0200hrs.	
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The Clerk to the Sub-Committee advised that he would confirm the decision in writing and reminded parties of their right to appeal. He also advised that if local residents had evidence of problems with the operation of the licence, they could submit this to the Licensing Authority and apply for a review of the licence.

The Chair thanked all for attending.

County Councillor K Lewis (Chair)