

**CITY AND COUNTY OF SWANSEA**

**STATEMENT OF PRINCIPLES**

**GAMBLING ACT 2005**

***(GAMBLING POLICY)***

**DRAFT**

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**\* PLEASE NOTE: PAGE NUMBERS MAY NOT ACCURATELY CORRESPOND DURING DRAFT/CONSULTATION PERIOD AND PRIOR TO COUNCIL APPROVAL \***

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THE CITY AND COUNTY OF SWANSEA

# **CITY AND COUNTY OF SWANSEA**

## **GAMBLING POLICY**

### **JANUARY 2019 2022 – JANUARY 2022 2025**

#### **Foreword**

The City and County of Swansea is responsible under the Gambling Act 2005 (the Act) for licensing premises and issuing a number of different permits together with temporary and occasional use notices.

The Licensing Authority is also required by the Act to prepare and publish a statement of principles they propose to apply in exercising their functions under the Act. This statement forms the Licensing Authority's mandate for managing local gambling provision and sets out the Licensing Authority's expectations in relation to operators with premises in the locality. This statement, known as the Gambling Policy (The Policy), must be reviewed, consulted on and published every three years. The Policy has been prepared in accordance with Section 349 of the Act with reference to the relevant Guidance issued by the Gambling Commission. The form of The Policy is set out in The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006.

This Policy is intended to assist applicants, residents, local businesses and statutory consultees and guide officers and Licensing Committees in their decision making role.

#### **1.0 Licensing Objectives**

1.1 Licensing Authorities when exercising their functions under the Act must have regard to the licensing objectives. These 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 carried out in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

1.2 The Licensing Authority is aware that in accordance with Section 153 of the Act, in making decisions about premises licences and temporary

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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 Codes of Practice issued by the Gambling Commission;
- in accordance with any relevant Guidance issued by the Gambling Commission;
- in accordance with the Authority's Policy; and
- reasonably consistent with the licensing objectives.

## 2.0 Introduction

- 2.1 The City and County of Swansea is the Licensing Authority under the Act.
- 2.2 The Policy must be published at least every three years. This Policy will come into effect on the 31<sup>st</sup> January ~~2019~~ **2022** and will have effect until 30<sup>th</sup> January ~~2022~~ **2025**. The Policy can be reviewed from "time to time" and any amended parts consulted upon. The Policy must then be re-published.
- 2.3 Where updates are required due to changes in national legislation, statutory guidance or contact details, the Licensing Authority reserves the right to amend this Policy without consultation where it is necessary to ensure The Policy reflects national legislation or statutory guidance.
- 2.4 The Licensing Authority declares that this Policy has been prepared having regard to the provisions of The Guidance issued by the Gambling Commission (The Guidance), the licensing objectives in the Act and any responses from those consulted. All references to The Guidance refer to The Guidance to Licensing Authorities **last updated in May 2021** ~~5<sup>th</sup> edition published in September 2015~~ and any subsequent updates.
- 2.5 The Licensing Authority acknowledges that it may need to depart from this Policy and from The Guidance in individual and exceptional circumstances and where the case merits such a decision in the interests of the promotion of the licensing objectives. Any such decision will be taken in consultation with the appropriate legal advisors for the Licensing Authority, and the reasons for any such departure will be fully recorded.
- 2.6 This Policy was approved at a meeting of Council on ~~20<sup>th</sup> December 2018~~ **to be confirmed** and was published on ~~21<sup>st</sup> December 2018~~ **to be confirmed**.

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This Policy is available on the City and County of Swansea website at [www.swansea.gov.uk](http://www.swansea.gov.uk)

### **3.0 The City and County of Swansea Geographical Area**

3.1 The City and County of Swansea covers an area of ~~378~~ **379.7 square kilometres (146 square miles)**, has a population of ~~245,500~~ **246,600** people and is Wales' second largest city. Some two-thirds of the County's boundary is with the sea. The City and County of Swansea can be broadly divided into 4 physical areas. In the north, the Lliw Uplands present an open moorland feature; the Gower Peninsular in the west, a rural landscape with contrasting coasts and a collection of small villages; the urban and suburban centre stretching from Swansea to Gorseinon and Pontarddulais; and the coastal strip around Swansea Bay, no more than 2 miles in width.

3.2 The urban area of the City and County is chiefly focused on Swansea and radiates to the west and north of the city centre around Swansea Bay to Mumbles; over Townhill to Cwmbwrla, Treboeth, Fforestfach and Penlan; through Uplands, Sketty, Killay and Dunvant; along the Swansea Valley communities of Hafod, Landore, Plasmarl, Morryston to Clydach; and on the east side of the River from **SA1**, St Thomas to Bonymaen, Llansamlet and Birchgrove.

3.3 The second urban focus centres on the Gowerton, Gorseinon and Loughor triangle, along with the nearby communities of Pontarddulais and Penllergaer.

3.4 The City and County of Swansea is served by 24 community councils.

3.5 A map of the Council area is attached at Appendix A. Further information about Swansea can be found via the Council's web page <https://www.swansea.gov.uk/keyfacts>

### **4.0 Consultees**

4.1 The Licensing Authority consulted widely on this statement between ~~21<sup>st</sup> September 2018~~ **20<sup>th</sup> September 2021** and ~~19<sup>th</sup> October 2018~~ **8<sup>th</sup> October 2021** before finalising and publishing. The following were consulted:-

- South Wales Police;
- Representatives of persons carrying on gambling businesses within the Licensing Authority's area who will be affected by this Policy;

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- Persons/bodies representing the interests of persons likely to be affected by the exercise of the Licensing Authority's functions under the Act and by this Policy.

4.2 A full but not exhaustive list of consultees is shown at Appendix B.

## 5.0 Responsible Authorities

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

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

5.2 In accordance with The Guidance, the Licensing Authority designates Child and Family Services of the City and County of Swansea for this purpose.

5.3 The contact details of all the Responsible Authorities under the Act are available via the Council's website at [www.swansea.gov.uk/https://www.swansea.gov.uk/media/22790/Responsible-authorities-in-regard-to-the-Gambling-Act-2005/pdf/Responsible authorities in regard to the Gambling Act 2005.pdf](http://www.swansea.gov.uk/https://www.swansea.gov.uk/media/22790/Responsible-authorities-in-regard-to-the-Gambling-Act-2005/pdf/Responsible%20authorities%20in%20regard%20to%20the%20Gambling%20Act%202005.pdf)

## 6.0 Interested Parties

6.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence based on the three licensing objectives as detailed in paragraph 1.1 of this Policy Statement. These parties are defined in Section 158 of the Act as follows:

6.2 "For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person-

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

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- 6.3 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.
- 6.4. The principles are:
- Each case will be decided upon its merits;
  - The Licensing Authority will not apply a rigid rule to its decision-making;
  - The Licensing Authority will consider the examples of considerations provided in The Guidance;
  - Decisions on premises licences and temporary use notices, will be made in accordance with Guidance;
  - The Licensing Authority will, in accordance with The Guidance, ensure that the phrase “has business interests” will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 6.5 The Guidance states that those representing persons living close to premises or who have business interests could include trade associations, trade unions, residents’ and tenants’ associations. The Licensing Authority will not, however, generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Act e.g. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 6.6 Interested parties can be persons who are democratically elected such as Councillors, Welsh Assembly Members and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor etc represents the Ward likely to be affected. Likewise, Parish Councils, likely to be affected will be considered to be interested parties. Other than these persons, the Licensing Authority will generally require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 6.7 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 Division. Contact details are provided at paragraph 48 below.

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## 7.0 Licensing Authority Functions

7.1 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;
- Issue Provisional Statements;
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities by 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;
- Maintain registers of the permits and licences that are issued under these functions.

7.2 It should be noted that the Licensing Authority will not be involved in licensing remote gambling at all. This is the responsibility of the Gambling Commission via operating licences. Spread betting is regulated by The Financial Services Authority and the National Lottery is regulated by The National Lottery Commission.

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

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## 8.0 Exchange of Information

- 8.1 ~~The Licensing Authority, in fulfilling its functions under sections 29, 30 and 350 of the Act, in relation to the exchange of relevant information with the Gambling Commission and other regulatory bodies, will comply with current advice issued by the Commission. In exchanging such information, the Licensing Authority will act in accordance with the provisions of the Act and with the provisions of the Data Protection Act 2018 and the General Data Protection Regulation 2016. The Licensing Authority will also have regard to any guidance issued by the Gambling Commission on this matter as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.~~

***The principle that the Council will apply in respect of the exchange of information between it and the Gambling Commission and those bodies listed in Schedule 6 of the Act is that it will act in accordance with the provisions of the Gambling Act 2005 which includes the provision that the data protection legislation, as defined in section 3 of the Data Protection Act 2018, will not be contravened. The Council will also have regard to any guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.***

## 9.0 Enforcement

- 9.1 Licensing Authorities are required by regulations under the Act to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.
- 9.2 The City and County of Swansea's principles are that it will be guided by The Guidance and it will endeavour to be:
- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
  - Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
  - Consistent: rules and standards must be joined up and implemented fairly;
  - Transparent: regulators should be open, and keep regulations

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- simple and user friendly; and
  - Targeted: regulation should be focused on the problem, and minimise side effects.
- 9.3 In accordance with The Guidance the Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 9.4 The Licensing Authority will use appropriate enforcement to promote the Licensing Objectives. The main enforcement and compliance role for the Licensing Authority under the Act will be to ensure compliance with the premises licences and other relevant permissions.
- 9.5 The Gambling Commission is the enforcement body for the operating licences and personal licences. Any 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.
- 9.6 The Licensing Authority will carry out a risk-based inspection programme, having regard to:
- The licensing objectives;
  - Relevant codes of practice;
  - The Guidance;
  - The principles set out in this Statement of Licensing Policy;
  - The Licensing Authority's enforcement policy.
- 9.7 The Licensing Authority will have regard to The Guidance in respect of 'test purchasing' when considering making test purchases at gambling premises.
- 9.8 *Gaming machines can only be made available for use where a premises licence, permit or an exemption e.g. travelling fairs, authorises its use. It is not possible to site gaming machines at premises such as off licences, newsagents, taxi offices, takeaways or other retail stores.***
- 9.9 *When illegally sited gaming machines are discovered, the Licensing Authority will make every effort to seize the gaming machine at the first opportunity to ensure that the gaming machine is removed from circulation.***
- 9.10 *The Licensing Authority working with the Gambling Commission will investigate offences committed under the Gambling Act 2005***

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***by both the supplier of the machine and the proprietor of the business on which the machine was illegally sited.***

**9.11 *The Licensing Authority will usually take formal action against the proprietor of the business where illegal gaming machines have been made available for use on the premises. As part of the proceedings the Licensing Authority will seek to secure a forfeiture order under Section 345 of Act, in order that the machine can then be destroyed.***

**9.12 *The Licensing Authority anticipates that similar action will be taken by the Gambling Commission to ensure that formal action is also taken against the supplier of the gaming machine.***

## **10.0 Fundamental Rights**

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

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

## **11.0 Integrating Strategies**

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

## **12.0 PREMISES LICENCES**

### **12.1 General Principles**

12.2 Premises licences are subject to the requirements set out in the Act and regulations, including the specific mandatory and default conditions which are detailed in regulations issued by the Secretary of State. Licensing Authorities are able to exclude default conditions and also

attach others, where it is believed to be appropriate ***to mitigate risks associated with a particular premises.***

- 12.3 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 Gambling Policy.
- 12.4 In accordance with The Guidance moral objections to gambling are not considered a valid reason to reject applications for premises licences and demand is not a criterion for a Licensing Authority.
- 12.5 The Gambling Commission have also issued Licence Conditions and Codes of Practice (LCCP) which apply to all operators and personal licence holders. The LCCP strengthens the Social Responsibility (SR) code requirements and imposes a formal requirement for operators to consider local risks. The Licensing Authority will have regard to the LCCP when considering applications. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)
- The code requires operators;
- To supervise customers effectively on gambling premises and identify customers who are at risk of gambling related harm.
  - To have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
  - To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
  - To produce a risk assessment on individual premises, and have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.
- 12.6 Where a premises licence allows gaming machines, this will be governed by the number of machines and category as set down by the Act and any subsequent changes to legislation. Current information can be accessed on the Gambling Commission's website via <http://www.gamblingcommission.gov.uk/for-gambling-businesses/Compliance/Sector-specific-compliance/Arcades-and->

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### 13.0 Definition of Premises

- 13.1 Premises is defined in the Act as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. 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 reasonably be 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. The Licensing Authority will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access are observed.
- 13.2 Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 13.3 The Licensing Authority takes particular note of The Guidance and will 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 the Authority will be aware of the following:
- Entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that 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;
  - The third licensing objective seeks to protect children from being harmed by Gambling. In practice this means not only preventing them taking part in gambling but also preventing them from being in close proximity to gambling. 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.
- 13.4 The Licensing Authority will also consider other issues including:

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- Whether the premises has a separate registration for business rates;
- Whether the neighbouring premises is owned by a different person;
- Whether each of the premises can be accessed from the street or public passageway;
- Whether the premises can only be accessed from other gambling premises.

#### **14.0 Premises Ready For Gambling**

14.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future consistent with the scale of building or alterations required before the premises are brought into use. If the construction of a premise is not yet complete or if they need alteration, or if the applicant does not yet have the right to occupy them, an application for a provisional statement should be considered.

14.2 In deciding whether a premises licence can be granted where there are outstanding constructions or alteration works at a premises, the Authority will determine applications on their merits, applying a two stage consideration process: -

- Firstly, whether the premises ought to be permitted to be used for gambling;
- Secondly, whether appropriate conditions can be put into 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;

14.3 Applicants should note that the Licensing Authority is not obliged to grant a licence and is also entitled to decide that it is appropriate to grant a licence subject to conditions.

#### **15.0 Location**

15.1 The Licensing Authority is aware that demand issues cannot be considered with regard to the location of premises. In accordance with The Guidance, this Authority will pay particular attention to the licensing objective relating to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. When considering the Licensing Objectives with regard to the location, the Licensing Authority may take into consideration the following facts

- Size and nature of premises;
- Type of facilities applied for;
- Nature of area in which premises is to be situated;
- Potential impact of premises on area;
- Any other reasonable factor.

15.2 Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

## 16.0 Door Supervisors

16.1 The Guidance states that licensing authorities may consider whether there is a need for door supervisors in respect of the licensing objectives of protection of children and vulnerable persons being harmed or exploited by gambling and preventing premises becoming a source of crime. Where operators and licensing authorities decide that supervision of entrances/machines is appropriate, the Licensing Authority will determine whether these supervisors need to be Security Industry Authority (SIA) licensed.

## 17.0 Duplication with Other Regulatory Regimes

17.1 The Licensing Authority will take into account all relevant matters and will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The Authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval. It will however consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions should such a situation arise.

17.2 When dealing with a premises application for finished buildings, the Authority will not take into account that those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account as these matters are dealt with under other relevant legislation.

## 18.0 Casinos

18.1 On the ~~4<sup>th</sup> November 2014~~ ~~26<sup>th</sup> October 2017~~, the City and County of Swansea acting as a Licensing Authority **first** agreed to pass a resolution not to issue casino licences under Section 166 of the Act.

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This resolution came into effect on the 5<sup>th</sup> December ~~2014~~ ~~2017~~ **and the resolution was again passed in October 2017 and November 2020. The date on which the most recent resolution takes effect is specified as 6<sup>th</sup> December 2020.** The decisions followed a consultation process and consideration of the responses received.

- 18.2 A potential applicant for a casino premises licence should be aware that this resolution has been passed and that applications for a casino premises licence will not be considered by this Authority. Any application received will be returned and the applicant informed that a resolution not to issue casino licences is in place for the City and County of Swansea.
- 18.3 This resolution will not affect existing casino premises licences including any applications for variations or transfers of these licences.
- 18.4 The resolution will last for a period of 3 years from the date it takes effect. After this time the Authority may pass a new resolution not to issue casino premises licences.
- 18.5 In 2006, the City and County of Swansea submitted a proposal to the Independent Casino Advisory Panel to licence one Large and one Small casino. On 19<sup>th</sup> May 2008 the Categories of Casino Regulations 2008 and the Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 were made. The latter Order specifies which Licensing Authorities may issue Large and Small Casino Premises Licences. The City and County of Swansea was one of the eight authorities authorised to issue a Small Casino Premises Licence.
- 18.6 On 26<sup>th</sup> February 2008, the Secretary of State for Culture Media and Sport issued the Code of Practice on Determinations under Paragraphs 4 and 5 of Schedule 9 to the Act, relating to Large and Small Casinos, which sets out: -
- the procedure to be followed in making any determinations required under Paragraphs 4 and 5 of Schedule 9 to the Act; and;
  - matters to which the Licensing Authority should have regard in making those determinations.
- 18.7 The Licensing Authority is permitted to grant a Premises Licence for a Small Casino. To grant a casino premises licence the Licensing Authority is required to publish an invitation for applications to be made for a Small Casino Licence under Schedule 9 of the Gambling Act 2005

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and will determine the applications received in accordance with The Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, the Department for Culture Media and Sport's Code of Practice and the Gambling Commission's Guidance to Licensing Authorities.

- 18.8 There are potentially two stages to the determination process. In making a determination required by Paragraph 4 of the Schedule, the Licensing Authority must apply the procedure for assessing applications for premises licences which it ordinarily applies to such applications (Casino Application Stage 1). Where the Licensing Authority determines that it would, if it were able, grant more than one of the Stage 1 applications, the applicants who made those applications would be invited to participate in Casino Application Stage 2.

Note: paragraphs 18.7 & 18.8 do not apply whilst the resolution not to issue casino licences is in force

- 18.9 As the City and County of Swansea has been authorised to issue a small casino premises licence it is required to set out the principles it would apply in determining such an application, notwithstanding that it has passed a resolution not to issue casino licences.

## **19.0 General Principles – Casino Premises**

- 19.1 Subject to the provisions in the Act, any person may make an application. The Licensing Authority will determine each application according to criteria which are: -

- the same for all applicants;
- made known to all applicants;
- not pre-selected to favour a particular applicant or application.

- 19.2 The Licensing Authority shall ensure that any pre-existing contract, arrangements or other relationship with a company or individual does not affect the procedure for assessing applications so as to make it unfair or perceived to be unfair to any applicant. The Licensing Authority shall therefore disregard any contract, arrangement or other relationship.

- 19.3 The Licensing Authority recognises that applicants may either apply for a full Casino Premises Licence or alternatively a Provisional Statement. Applicants for full Premises Licences however must fulfil certain criteria in that they must: -

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- hold or have applied for an Operating Licence; and
- have the right to occupy the premises in question.

- 19.4 Unless otherwise specified, any reference to the application and procedures for a 'premises licence' for a casino in the following parts of this section of this document shall also include the application and procedures for a 'provisional statement' for a casino.
- 19.5 In making any decision in respect of an application, the Licensing Authority shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building regulation and any decision shall not constrain any later decision by the Authority under the law relating to planning or building.
- 19.6 The Licensing Committee will make the determination on casino licence applications at Stage 1 and at Stage 2. During Stage 2, the Licensing Committee will be supported by an Advisory Panel of Officers and others with appropriate experience.
- 19.7 In accordance with the Code of Practice issued by the Secretary of State, the Licensing Authority will ensure that there is a Register of Interest in place disclosing interest in any contract, arrangement or other relationship with an applicant or a person connected or associated with an applicant. Applicants should note that this does not apply to any agreement between the Licensing Authority and applicant entered into during Stage 2 of the application process.

## **20.0 Casino Application Stage 1**

- 20.1 The Licensing Authority will provide an Application Pack which will include a statement of the principles that it proposes to apply and the procedure that it proposes to follow in assessing applications for the Small Casino Premises Licence.
- 20.2 At this stage, the Licensing Authority cannot accept any additional information other than the prescribed application form laid down in The Gambling Act 2005 (Premises Licences and Provisional Statements) (England and Wales) Regulations 2007. All such additional information will be disregarded and returned to the applicant.
- 20.3 With regard to Stage 1, the principles as stated in Paragraphs 12-18 of the Gambling Policy shall apply to all applications.
- 20.4 The Licensing Authority recognises that each of the other applicants is considered an 'interested party' and as a result may make

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representations. It is recognised that the Licensing Authority's decision at Stage 1 may be appealed against, in which case the Licensing Authority will not proceed further until all appeals have been dealt with.

20.5 If this process results in more than one provisional decision to grant a Premises Licence, Casino Application Stage 2 will be implemented.

## **21.0 Principles to be applied to casino application Stage 2**

21.1 The Licensing Authority will apply to Stage 2 the following principles in determining whether or not to grant a Casino Premises Licence: -

- Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community;
- Any provision that is made for preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Any provision that is made for ensuring that gambling is conducted in a fair and open way;
- Likely effects of an application on employment and regeneration in Swansea;
- Design and location of the proposed development;
- Range and nature of non gambling facilities to be offered as part of the proposed development;
- Any financial and other contributions;
- The deliverability of the proposals contained in the applications.

21.2 In determining which application is likely to result in the greatest benefit to Swansea, the Licensing Authority has set out matters which are likely to receive the greatest weight (Appendix C). However, an applicant is not debarred from putting forward other benefits which the Licensing Authority will consider and weight to the extent that it considers them relevant.

21.3 Although applicants are able to submit an application for any location within Swansea which will be judged on its own individual merits, the Licensing Authority is provisionally of the view that the locations for the Small Casino likely to bring the greatest benefit to Swansea is Swansea City Centre.

## **22.0 Casino Application Stage 2**

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- 22.1 The Licensing Authority will agree and implement a protocol governing the storage of confidential information submitted during Stage 2 of the application process so as to maintain confidentiality.
- 22.2 At this Stage, applicants will be required to state the benefits their applications, if granted, would bring to Swansea.
- 22.3 The Licensing Authority will itself evaluate all applications and make the decision to grant the available Small Casino Premises Licence to the applicant that in its opinion will result in the greatest benefit to Swansea.
- 22.4 The Licensing Authority may enter into a written agreement with an applicant and may determine to attach conditions to any licence issued so as to give effect to any agreement entered into. The Licensing Authority may have regard to the effect of any agreement so entered in making the determination on the applications.
- 22.5 The Advisory Panel, appointed by the Licensing Authority, will carry out a preliminary assessment of each Stage 2 application. Following the preliminary assessment, the Advisory Panel may engage in discussions or negotiations with each Stage 2 applicant with a view to the particulars of an application being refined, supplemented or otherwise altered so as to maximise the benefits to the Authority's area that would result from it, were it granted.
- 22.6 The Advisory Panel will assess each bid according to criteria set out in the Application Pack. The applicant will be sent the Advisory Panel's assessment of its application to enable the applicant to correct any factual errors or (without providing new information) make representations as to the assessment.
- 22.7 The Advisory Panel will then provide a final written report to the Licensing Committee which will include its recommendation as to the correct band for each criterion, its qualitative assessment and also the applicant's response. The Licensing Committee will consider the Advisory Panel's report and will determine the precise score for each criterion. The Licensing Committee will not take further evidence or representations made by the applicants but will then make its decision. Any legal advice required shall be supplied by the Solicitor acting for the Licensing Authority. The Licensing Authority will accept or reject any advice given as it considers appropriate.
- 22.8 All Stage 2 applicants will be informed of the decision and reasons for approval or rejection as soon as is reasonably practicable. It is noted that once a decision has been made there will be no right of appeal.

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## **23.0 Bingo Premises**

23.1 Children and young people are allowed to enter bingo premises licensed for bingo however, they are not permitted to participate in the bingo, and if category B or C gaming machines are available, these must be separated from areas where children and young people are allowed. The Licensing Authority will ensure that:

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

## **24.0 Betting Premises**

24.1 The Act contains a single class of licence for betting premises. However, within this single class of licence, there will be different types of premises which require licensing.

24.2 The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to prevent a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.

24.3 The Authority is aware of its power to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence.

24.4 In considering whether to impose such a condition the Licensing Authority will, among other things, 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 or by vulnerable persons.

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- 24.5 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Betting premises may make available machines that accept bets on live events, such as horseracing, as a substitute for placing a bet over the counter. These “betting machines” are not gaming machines: they merely automate the process, which can be conducted in person and, therefore, do not require regulation as a gaming machine.
- 24.6 The holder of a betting premises licence may make available for use, up to four gaming machines of Category B, C or D. Category B machines at betting premises are restricted to sub-category B2, B3 and B4.

## **25.0 Tracks**

- 25.1 The Licensing Authority is aware that tracks may be subject to one or more premises licence, provided each licence relates to a specified area of the track.
- 25.2 In accordance with The Guidance, the Licensing Authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas they are not permitted to enter.
- 25.3 The Licensing Authority will expect the applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place but that they are still prevented from entering areas where gaming machines (except category D machines) are provided.
- 25.4 The Licensing Authority notes that The Guidance requires Licensing Authorities to consider the location of gaming machines at tracks. Applications for track premises licences will need to demonstrate that where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, that these machines are located in areas where children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.
- 25.5 Betting Machines - The Licensing Authority will in accordance with the Gambling Commissions 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

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machines when considering the number/nature/circumstances of betting machines an operator wants to offer.

- 25.6 The Licensing Authority will also take note of The Guidance which suggests that Licensing Authorities consider restricting the number and location of such machines in respect of applications for track betting premises licences.
- 25.7 The Licensing Authority will consider attaching a condition to track premises licences requiring the track operator to ensure that the rules of betting 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. An example may be that the rules are printed in the race-card or made available in leaflet form from the track office.
- 25.8 The Act requires applicants to submit plans of the premises with their application in order to ensure the Licensing Authority has the necessary information to determine whether the premises are fit for gambling.
- 25.9 Plans for tracks do not need to be in a particular scale but should be drawn to scale and should be sufficiently detailed to include the information required by the regulations.
- 26.0 Adult Gaming Centre (AGC)**
- 26.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling.
- 26.2 The Licensing Authority will expect applicants to satisfy the authority that there will be sufficient measures to ensure that no-one under the age of 18 is permitted to enter an AGC. The Licensing Authority will have particular regard to the location of and entry to AGCs to minimise the opportunities for children to gain access.
- 26.3 Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Licensing Authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises and that the premises is adequately supervised at all times.
- 26.4 The Licensing Authority may consider measures to meet the licensing objectives such as:
- Proof of age schemes;

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- 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.

## **27.0 Licensed Family Entertainment Centres (FEC)**

27.1 The Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only areas.

27.2 Children and young persons will be permitted to enter a FEC and may play on the category D machines. They will not be permitted to play on category C machines and it will be a requirement that there must be clear segregation between the two types of machine so that children do not have access to category C machines.

27.3 The Licensing Authority may consider measures to meet the licensing objectives such as:

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

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

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27.4 The Licensing Authority will, in accordance with The Guidance, refer to the Gambling Commission's website in respect of any conditions that apply to operating licences that regulate the way in which the area containing the category C machines should be delineated.

**27.5 *The applicant will be expected to provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in their employment.***

## **28.0 Travelling Fairs**

28.1 Travelling fairs are defined as 'wholly or principally' providing amusements on a site that has been used for fairs for no more than 27 days per calendar year.

28.2 Where category D machines and/or equal chance prize gaming without a permit are to be made available for use at travelling fairs it is the responsibility of the Licensing Authority to ensure that the facilities for gambling amount to no more than an ancillary amusement.

28.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

28.4 The 27-day statutory maximum for the land being used as a fair is per calendar year, and 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.

28.5 The Licensing Authority will work with its neighbouring Authorities to ensure that any land, which crosses its boundaries, is monitored so that the statutory limits are not exceeded.

## **29.0 Provisional Statements**

29.1 Developers may wish to apply for provisional statements before entering into a contract to buy or lease land to judge whether a development is worth taking forward. There is no need for the applicant to hold an operating licence or have the right to occupy premises to apply for a provisional statement.

29.2 Where representations about premises licence applications are made following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a

change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional statement stage; or
- (b) which in the authority's opinion reflect a change in the operator's circumstances; or
- (c) 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. The Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

### **30.0 Reviews**

30.1 The Licensing Authority may initiate the review of a premises licence or may review a premises licence following the receipt of an application from a responsible authority or interested party.

30.2 The Licensing Authority must grant an application for review unless it decides to reject the application on the grounds that the application for review:-

- is not relevant in respect of The Guidance, the relevant codes of practice, The Policy or the licensing objectives;
- is frivolous;
- is vexatious;
- will certainly not cause the Authority to amend, revoke or suspend the licence;
- is substantially the same as the grounds cited in a previous application relating to the same premises. The Licensing Authority will take into account the time lapsed since the previous application when considering this point;
- is substantially the same as the representations made at the time the application for the premises licence was considered. The Licensing Authority will take into account the time lapsed since the previous application was considered and will not review the licence on the basis of the same arguments considered on the grant of the premises licence.

30.3 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:-

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- add, remove or amend a licence condition imposed by the Licensing Authority;
  - exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - suspend the premises licence for a period not exceeding three months; and
  - revoke the premises licence.
- 30.4 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.
- 30.5 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.

### **31.0 Permits / Temporary & Occasional Use Notice**

- 31.1 Permits - The Act introduces a range of permits granted by Licensing Authorities when premises provide a gambling facility and either the stakes and prizes are very low or gambling is not the main function of the premises.

### **32.0 Unlicensed Family Entertainment Centres (UFEC) - Gaming Machine Permits**

- 32.1 Where a premises does not hold a premises licence but wishes to provide only Category D gaming machines, an application may be made to the Licensing Authority for a permit.
- 32.2 The Licensing Authority will expect applicants to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will be considered on their merits. They may include training of staff regarding suspected truant school children, how to deal with unsupervised, very young children or children causing problems in and around the premises. In accordance with The Guidance, applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling permissible in unlicensed FECs, that they have no relevant convictions and that staff are trained to have a full understanding of the maximum stakes and prizes.

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- 32.3 Unlicensed FECs are premises which are wholly or mainly used for making gaming machines available, therefore, exclude any premises primarily used for any other purposes, e.g. canteens, fast food takeaways, leisure centres, garages and petrol filling stations, taxi offices.
- 32.4 The Licensing Authority cannot attach conditions to this type of permit.
- 32.5 *The applicant will be expected to provide evidence that a suitable criminal record check with the Disclosure and Barring Service (DBS) has been conducted on all staff in their employment.***
- 33.0 Alcohol Licensed Premises**
- 33.1 The Act provides an automatic entitlement to alcohol licence holders to make available 2 gaming machines of category C or D for use in premises licensed to sell alcohol for consumption on the premises. To take advantage of this entitlement, the person who holds the alcohol licence must notify the Licensing Authority and pay the prescribed fee.
- 33.2 This is not an authorisation procedure as the Licensing Authority have no discretion to consider the notification or turn it down. The Licensing Authority can however, 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.
- 33.3 Licensing Authorities may issue licensed premises gaming machine permits for any number of category C or D machines. This will replace and not be in addition to the automatic entitlement to two machines. If the holder of an alcohol licence for a premises wishes to have more than 2 machines, then an application for a permit must be submitted to the Licensing Authority. The Licensing Authority will consider the application based upon the licensing objectives, any guidance issued by the Gambling Commission under Section 25 of the Gambling Act 2005, and such matters as they think relevant.

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- 33.4 The Licensing Authority considers that such matters will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling 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 category C gaming machines.
- 33.5 Measures which **may** will satisfy the Authority that there will be no access may include the adult machines being located in sight of the bar, **or in the sight of nominated** and staff who will monitor that the machines are not being used by those under 18. Notices and signage may also assist.
- 33.6 In relation to the protection of vulnerable persons applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.
- 33.7 It is recognised that some holders of alcohol licences wish to provide gaming machines in areas not covered by their alcohol licence. This would require an application for a premises licence and it is likely that this would be dealt with as an application for an Adult Gaming Centre premises licence.
- 33.8 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.
- 33.9 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machines.
- 33.10 *There are many categories of gaming machine permitted at licensed and other premises and the number of such machines that may be permitted in each type of gambling premises are set out in the Act. The Council does not have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol-licensed premises that hold gaming machine permits, where licensing authorities have discretion to specify the number of permitted gaming machines. In addition, limits are set separately in the Act for certain types of permit issued by licensing authorities.***

## **34.0 Club Gaming Permits**

34.1 The Licensing Authority may grant members' clubs and miners' welfare institutes (but not commercial clubs) club gaming permits or club machine permits. These enable premises to provide gaming machines as well as equal chance gaming and games of chance as prescribed in regulations. Equal chance gaming includes games such as poker or bingo where the chances are equally favourable to all participants and players are not competing against a bank. The Licensing Authority will only refuse an application on the grounds that:

- 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;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the police.

34.2 Club gaming permits allow the provision of no more than three gaming machines. These may be from categories B3A, B4, C or D. Only one B3A machine can be sited as part of this entitlement. The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit but it may not attach any conditions to a permit.

34.3 If a Member's Club or Miner's Welfare Institute does not wish to have the full range of facilities permitted by a Club Gaming Permit they may apply for a Club Machine Permit. This authorises the holder to have up to three gaming machines of categories B3A, B4, C and D.

## **35.0 Prize Gaming & Prize Gaming Permits**

35.1 Gaming is prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. A prize gaming permit is a permit issued by the Authority to authorise the provision of facilities for gaming with prizes on specified premises.

35.2 An application for a permit can only be made by a person who occupies or plans to occupy the relevant premises and if the applicant is an

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individual, they must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

35.3 The applicant is expected to set out the types of gaming that is intended to be offered and to demonstrate that they understand the limits to stakes and prizes set out in regulations and that the gaming is offered within the law.

35.4 The Licensing Authority may not attach conditions to this type of permit.

### **36.0 Temporary Use Notices**

36.1 Temporary use notices (TUN) 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 considered suitable for a temporary use notice would include hotels, conference centres and sporting venues.

36.2 A temporary use notice may only be given by a person or company holding a relevant operating licence. For example, the holder of a betting operating licence could apply to provide betting facilities at a snooker tournament.

36.3 The type of gambling that can be authorised by temporary use notices is prescribed by regulations. The Licensing Authority will consider objecting 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.

### **37.0 Occasional Use Notices**

37.1 Where there is betting on a track on eight days or less in a calendar year betting may be permitted by an occasional use notice (OUN) without the need for a full premises licence. An OUN must be submitted for each day that betting is to take place i.e. 3 consecutive days would require 3 OUN.

37.2 There is no provision for objections to be submitted, provided the notice will not result in betting facilities being available for more than 8 days in a calendar year. The Licensing Authority will however consider the definition of a 'track' and whether the use of OUNs is permitted.



## 38.0 Registration of Small Society Lotteries

38.1 In carrying out its functions in relation to Lotteries the Authority will have regard to the Act, The Guidance and any Regulations issued by the Secretary of State.

## 39.0 Licensing Objectives

39.1 In exercising its functions under the Act, particularly in relation to premises licences temporary use notices and permits, the Licensing Authority must have regard to the licensing objectives.

39.2 **Objective 1** - Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime.

39.2.1 The Commission takes a leading role in preventing gambling from being a source of crime.

39.2.2 Anyone applying to the Authority for a premises licence will have to hold an operating licence from the Commission before a licence can be issued so the Licensing Authority will not be concerned with the suitability of an applicant. Where concerns about a person's suitability arise the Licensing Authority will bring those concerns to the attention of the Commission without delay.

39.2.3 The Authority will consider the proposed location of gambling premises in terms of this objective. If an area has particular problems with disorder, organised crime etc, the Authority will consider carefully whether gambling premises are suitable to be located there and whether controls may be appropriate to prevent the premises being associated with or used to support crime. This may include conditions on the premises licence such as the provision of door supervisors.

39.2.4 The Authority will seek to address issues of disorder under the Act. Disorder is intended to mean activity that is more serious and disruptive than nuisance. A disturbance could be considered serious enough to constitute disorder if police assistance was required to deal with it. Another factor the Authority is likely to take into account is how threatening the behaviour was to those who could see or hear it.

39.2.5 The Authority will, when determining applications, consider whether the grant of a Premises Licence will result in an increase in crime and disorder.

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39.2.6 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Authority's licensing officers and officers from South Wales Police before making a formal application.

39.2.7 In considering licence applications, the Authority will in particular take into account the following:-

- The design and layout of the premises;
- The training given to staff in crime prevention measures appropriate to those premises;
- 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;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

### **39.3 Objective 2 - Ensuring gambling is conducted in a fair and open way**

39.3.1 Generally, the Gambling Commission would not expect Authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business and therefore relevant to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore relevant to the Personal Licence. Both of these licences are the responsibility of the Gambling Commission.

39.3.2 As track operators will not necessarily have an operating licence from the Gambling Commission the Authority may, in certain circumstances, require conditions of licence to ensure that the environment in which betting takes place is suitable.

### **39.4 Objective 3 - Protecting children and other vulnerable persons from being harmed or exploited by gambling**

39.4.1 The Authority has noted The Guidance that this objective means that children and young persons should be prevented from taking part in gambling and should be prevented from entering those gambling premises which are adult only environments. The Authority will therefore consider as suggested in The Guidance, whether specific measures are required at particular premises, regarding this objective.

39.4.2 The Authority is also aware of the Gambling Commission Codes of Practice in relation to specific premises.

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- 39.4.3 It is noted that the Gambling Commission does not seek to define “vulnerable persons” 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 Authority will consider this licensing objective on a case by case basis.
- 39.4.4 The Authority will seek to ensure that there are restrictions on advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children.
- 39.4.5 The Authority will consult with South Wales Police and the Principal Officer for Safeguarding Quality and Performance, Child and Family Services and the Principal Officer for Safeguarding and Wellbeing of the City and County of Swansea on any application that indicates there may be concerns over access for children or vulnerable persons.
- 39.4.6 The Guidance sets out considerations that an operator must take into account in order to protect children and young people from accessing gambling premises.
- 39.4.7 The LCCP prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.
- 39.4.8 The Authority will expect applicants to offer their own measures to meet the licensing objectives in respect of issues such as:
- Proof of age;
  - CCTV;
  - Supervision of entrances/machine areas;
  - Physical separation of areas;
  - Locations of entry/gaming machines;
  - Notices/signage;
  - Specific opening hours;
  - Self-exclusion schemes i.e. when someone asks an operator to refuse to accept their custom to prevent them from gambling;
  - Provision of information leaflets/helpline numbers for organisations such as GamCare.

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This list is not mandatory and is not exhaustive. It is merely indicative of example measures.

39.4.9 The Authority will judge the individual merits of each application before deciding whether to impose conditions to protect children and vulnerable adults on particular categories of premises. This may include such requirements as:-

- Appropriate signage for adult only areas;
- Supervision of entrances;
- Use of supervisors;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

39.4.10 Any conditions attached will be proportionate to and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other aspects.

#### **40.0 Local Risk Assessments for Operators**

40.1 The LCCP require new applicants and operators of existing premises seeking to vary a licence, to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises. They are also required to have policies, procedures and control measures in place to address those risks.

40.2 Operators are required by the Social Responsibility (SR) code to make the risk assessment available to the Licensing Authority when an application is submitted for a new premises licence, variation of a premises licence or otherwise on request. This will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints. The Licensing Authority would expect the local area risk assessment to be kept on the individual premises and be available for inspection.

40.3 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that

the following matters are considered by operators when carrying out their risk assessment:

- The layout of the premises in particular access to the premises by children and vulnerable persons;
- The location of the premises in particular the proximity to premises/areas where the presence of children/vulnerable persons may be expected e.g. schools, parks, playgrounds, entertainment venues such as cinemas and bowling alleys, shops, cafés, bus stops, premises with alcohol licences, medical centres, care homes, money outlets, treatment centres for addictions, other gambling outlets, banks, post offices;
- The location of the premises in relation to problems of antisocial behaviour, youth crime, graffiti/tagging, street/underage drinking, disorder, drug dealing activities etc;
- Incidents of underage gambling;
- Details relating to self-exclusions;
- Patterns in gambling e.g. coincide with benefit payments, salary payments;
- Arrangements for localised exchange of information regarding self-exclusions and gaming trends

40.4 Other issues that may be considered could include:

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

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

#### **41.0 Local Area Profiles**

41.1 The current Guidance introduces the concept of local area profiles (LAP) for Authorities as a means of mapping out local areas of concern. There is no requirement for an Authority to have a LAP or if they have a LAP for it to be included in The Policy.

41.2 Where the Authority develops a LAP this will be contained in a separate document and made available in conjunction with The Policy.

#### **42.0 Decision Making**

42.1 The powers and duties of the Licensing Authority under the Act may be carried out by the Licensing Committee, by a Sub-Committee or by one or more officers acting under delegated authority.

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42.2 It is considered that many of the functions will be largely administrative in nature with no perceived areas of contention. In the interests of efficiency and cost effectiveness these will, for the most part, be carried out by officers.

42.3 Appendix D sets out the recommended delegation of functions and decisions by guidance. The Licensing Authority may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

### **43.0 Appeals Procedure**

43.1 Appeal provisions for parties aggrieved by decisions of the Licensing Authority are set out in Sections 206 to 209 of the 2005 Act. Appeals must be made to the Magistrates Court for the area in which the Licensing Authority, which has considered the application, is situated.

43.2 An appeal has to be commenced by giving notice of the appeal by the appellant to; The Clerk to the Justices, Swansea Magistrates Court, Grove Place, Swansea SA1 5DB within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

43.3 On determining an appeal, the Court may:

- Dismiss the appeal;
- Substitute the decision appealed against with any other decision that could have been made by the Licensing Authority;
- Remit the case to the Licensing Authority to dispose of the appeal in accordance with the direction of the Court;
- Make an order about costs.

### **44.0 Reasons for Decisions**

44.1 In anticipation of such appeals, the Licensing Authority will provide comprehensive reasons for its decisions. The Licensing Authority will address the extent to which decisions have been made with regard to any relevant codes of practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

### **45.0 Implementing the Determination of the Magistrates' Court**

45.1 As soon as the decision of the Magistrates' Court has been notified to all parties, the Council will not delay its implementation and necessary action will be taken forthwith unless ordered by a higher court to

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suspend such action (for example, as a result of an ongoing judicial review). The Act provides for no other appeal against the determination of the Magistrates' Court.

#### **46.0 Concerns in respect of Licensed Premises**

- 46.1 The Licensing Authority will investigate complaints in respect of licensed premises in relation to matters relating to the licensing objectives for which it has responsibility.
- 46.2 Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Licensing Authority may initially arrange a meeting to address and clarify the issues of concern.
- 46.3 This process will not override the right of any party to decline to participate in any meeting or mediation process.

#### **47.0 Information Sharing Network - Operators**

- 47.1 The Licensing Authority will encourage 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 the licensing officers.

#### **48.0 Further Information**

For further information about the Gambling Act 2005 or this Gambling Policy please contact the Licensing Division at the following address:

Licensing Division  
Housing and Public Health  
Directorate of Place  
City & County of Swansea  
Civic Centre  
Oystermouth Road  
Swansea  
SA1 3SN

Or:

Telephone: 01792 635600  
Email: [evh.licensing@swansea.gov.uk](mailto:evh.licensing@swansea.gov.uk)  
Website: [www.swansea.gov.uk](http://www.swansea.gov.uk)

**Information is also available from:-**

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## **Gambling Commission**

Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Fax: 0121 237 2236

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

## **Department for Digital, Culture, Media & Sport**

100 Parliament Street  
London  
SW1A 2BQ

Tel: 020 7211 6200 **2210**

Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk) [enquiries@dcms.gov.uk](mailto:enquiries@dcms.gov.uk)  
Website: [www.culture.gov.uk](http://www.culture.gov.uk)

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## APPENDIX B - Consultees

The Licensing Authority has consulted the following on the content of this Gambling Policy:-

- ~~Association of British Bookmakers~~
- **Betting and Gaming Council**
- British Amusement Catering Trade Association (BACTA)
- Bingo Association
- ~~British Casino Association~~
- British Beer & Pub Association
- British Greyhound Racing Board
- ~~Casino Operators Association of the UK~~
- Club & Institute Union
- **GambleAware (formerly Responsibility in Gambling Trust)**
- GamCare
- Lotteries Council
- Maritime & Coastguard Agency
- Neighbourhood Watch
- ~~Permit Holders~~
- ~~Premises Licence Holders~~
- ~~Responsibility in Gambling Trust~~
- Responsible Authorities:-
  - Chief Officer of Police
  - Licensing Authority
  - Chief Fire Officer
  - HM Revenue & Customs
  - Environmental Health
  - Gambling Commission
  - Planning
  - Child & Family Services
- Licensing Committee
- Elected Members of City and County of Swansea
- Legal Services
- Community Councils
- Public Health Wales

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APPENDIX C

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Small Casino Licence – Principles and Criteria

Principles	Criteria – Benefits/Avoidance of Disbenefits	Importance  (Very High/High/Medium)
<p><b>Any provision that is made for the protection of children and other vulnerable people from harm or exploitation arising from gambling, whether in the proposed casino or the wider community</b></p>	<ul style="list-style-type: none"> <li>• Commitment to evaluation of social impacts of gambling and ability to evaluate.</li> <li>• Investment in problem gambling schemes/funding for treating programmes/funding to Responsible Gambling Trust</li> <li>• Problem gambling measures; including how the applicant will contribute to education on the risks of gambling, in particular for children and young people.</li> <li>• Demonstrably high level management commitment to social responsibility.</li> <li>• Commitment to staff training on social responsibility issues and recognition of problem gambling.</li> </ul>	<p><b>Very High</b></p>

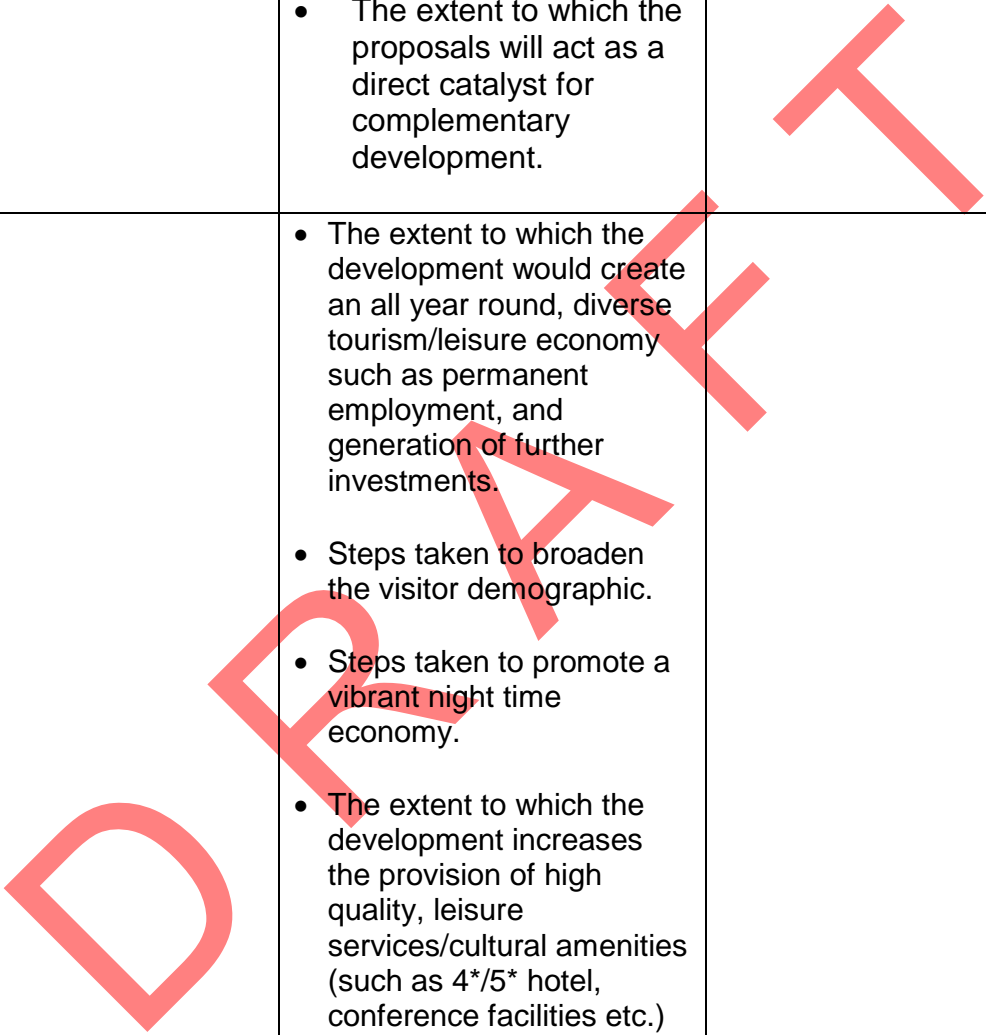
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	<ul style="list-style-type: none"> <li>• Operation of self-exclusion schemes/ exclude self-banned individuals from entry.</li> <li>• Responsible marketing/advertising. Who will be targeted?</li> <li>• Proximity of casino to schools, children, places of worship youth and elderly populations.</li> </ul>	
<b>Any provision that is made for preventing gambling from being a source of crime or disorder or being associated with crime or disorder or being used to support crime.</b>	<ul style="list-style-type: none"> <li>• Steps taken to promote safe evening and night time economy.</li> <li>• Provision of CCTV and security measures.</li> <li>• Liaison/consultation with responsible authorities to promote the prevention of crime and disorder objectives under the Gambling Act 2005 and the Licensing Act 2003.</li> </ul>	<b>Very High</b>
	<ul style="list-style-type: none"> <li>• Provision of satisfactory levels of/appropriately qualified and licensed door supervisors.</li> <li>• Liaison with police architectural/crime prevention officers to ensure that where possible opportunities for crime are designed out.</li> </ul>	
<b>Any provision that is made for ensuring that</b>	<ul style="list-style-type: none"> <li>• Provision of separate area/room to allow customers to familiarize</li> </ul>	<b>Very High</b>

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<p><b>gambling is conducted in a fair and open way</b></p>	<p>themselves with the rules of the games.</p> <ul style="list-style-type: none"> <li>Fair and effective complaints procedure how complaints and disputes are recorded and monitored.</li> </ul>	
<p><b>Likely effects of application on employment and regeneration in Swansea</b></p>	<p><b>Employment:</b></p> <ul style="list-style-type: none"> <li>Number of full-time equivalent jobs created and/or safeguarded from the construction and operation of the casino;</li> <li>Number of jobs created for the long term economically inactive and unemployed;</li> <li>Mitigation measures in respect of lost jobs.</li> <li>Employment policies (pay, terms, equalities, skills training).</li> <li>Empowerment of local disadvantaged groups through employment.</li> <li>How the proposal will contribute to tackling deprivation, high levels of economic inactivity and long term unemployment?</li> <li>Staff Development – opportunities for staff to obtain training and development (including training leading to nationally accredited</li> </ul>	<p><b>Very High</b></p> <p><b>Very High</b></p>

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	<p>awards) and to achieve career progression.</p> <ul style="list-style-type: none"> <li>• Provision of support to education and training establishments in the area;</li> </ul> <p><b>Regeneration:</b></p> <ul style="list-style-type: none"> <li>• The extent to which the proposals will act as a direct catalyst for complementary development.</li> </ul>	
	<ul style="list-style-type: none"> <li>• The extent to which the development would create an all year round, diverse tourism/leisure economy such as permanent employment, and generation of further investments.</li> <li>• Steps taken to broaden the visitor demographic.</li> <li>• Steps taken to promote a vibrant night time economy.</li> <li>• The extent to which the development increases the provision of high quality, leisure services/cultural amenities (such as 4*/5* hotel, conference facilities etc.)</li> <li>• Positive multiplier effects on business community.</li> <li>• Proposals for making supply chain and sourcing opportunities available to organizations and individuals in the area.</li> </ul>	

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	<ul style="list-style-type: none"> <li>Proposals for engaging with local community partnerships, and for contributing financially or otherwise to community services and facilities;</li> <li>Compatibility with regeneration/planning strategies.</li> <li>Commitment to the periodic evaluation of the economic impact on Swansea of the casino.</li> </ul>	
<b>Design and location of the proposed development</b>	<p><b>Design:</b></p> <ul style="list-style-type: none"> <li>Compatibility with the Council's development plan and supporting planning strategies.</li> <li>Degree of integration with existing movement routes, buildings, uses, landscapes, open spaces and strategic car parks.</li> <li>Provision of other complementary facilities to create a mixed use development and a vibrant destination.</li> <li>Impact on existing adjacent developments, avoiding adverse impact to neighboring occupiers.</li> <li>Attainment of high standards of design and buildings of significant architectural merit.</li> </ul>	<b>Very High</b>
	<ul style="list-style-type: none"> <li>Address issues of security and crime</li> </ul>	

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	<p>prevention in the design of buildings and routes around them.</p> <ul style="list-style-type: none"> <li>• Accessibility by modes of travel other than the private car.</li> <li>• Promote resource efficient buildings and layouts using sustainable design and construction techniques in accordance with BREEAM criteria set by the Welsh Assembly Government.</li> <li>• Preserve any listed buildings (and their settings) and enhance conservation areas.</li> <li>• Community engagement – proposals for consultations and involvement in design.</li> </ul> <p><b>Location:</b></p> <ul style="list-style-type: none"> <li>• Application considered on its own merit, but local preference for a city centre or waterfront brownfield location to deliver regeneration objectives.</li> </ul>	<p><b>Very High</b></p>
	<ul style="list-style-type: none"> <li>• Extent to which the proposed location is less or more likely to lead to the loss of an existing leisure facility.</li> <li>• Impact on neighbouring businesses and residents</li> </ul>	

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	<p>(during construction and once in operation).</p> <ul style="list-style-type: none"> <li>• Extent to which proposed location will maximize the number of new visitors to Swansea.</li> </ul>	
<p><b>Range and nature of non gambling facilities to be offered as part of the proposed development.</b></p>	<ul style="list-style-type: none"> <li>• The range and complementary nature of other ancillary facilities offered within and outside the casino development.</li> </ul>	<p><b>High</b></p>
<p><b>Any financial and other contributions</b></p>	<ul style="list-style-type: none"> <li>• Confirm amount of financial contributions offered and on what basis they will be paid (e.g. one off payment, annual index linked contributions in perpetuity, a percentage of the Gross Gaming Yield etc.).</li> </ul>	<p><b>Very High</b></p>
	<ul style="list-style-type: none"> <li>• Confirm financial payments made for late or non delivery of operations or benefits.</li> <li>• If proposal involves loss of existing facilities, will such facilities be replaced and where?</li> <li>• Direct cultural benefits such as showcasing local art/artists.</li> <li>• Support for local supporting/cultural/charitable schemes.</li> <li>• Communication, consultation and</li> </ul>	<p><b>Medium</b></p>

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	<p>partnership working with local Community Partnerships, in particular Communities First.</p> <ul style="list-style-type: none"> <li>• Contributing financially to additional community services and facilities.</li> <li>• Other benefits the applicant proposes to provide not elsewhere described.</li> </ul>	
<b>Deliverability</b>	<ul style="list-style-type: none"> <li>• Status of approved (e.g. Planning), signed development agreement, 3<sup>rd</sup> party guarantees.</li> </ul>	<b>Very High</b>
	<ul style="list-style-type: none"> <li>• Timescales for implementation and completion of development and operations.</li> <li>• Timescale, duration and form taken for the delivery of proposed benefits.</li> <li>• Developer/Operator – financial status, track record here and abroad, clear and detailed business plan of proposals.</li> <li>• Evidence of consultation with Statutory Bodies and Responsible Authorities, to ensure due compliance with any and all Statutory Regulation and Legislation.</li> </ul>	

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## APPENDIX D – Table of Delegations of Licensing Functions

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

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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 the lowest level to which decisions can be delegated

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