



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Statutory Licensing Sub Committee

At: Council Chamber - Guildhall, Swansea

On: Tuesday, 15 January 2019

Time: 10.00 am

Chair: Councillor Penny Matthews

Membership:

Councillors: C Anderson, C L Philpott

Agenda

Page No.

- 1 Apologies for Absence.
- 2 Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests
- 3 Gambling Act 2005 - Application For an Unlicensed Family Entertainment Centre (UFEC) Permit - Kingsway, Swansea. 1 - 32

Huw Evans
Head of Democratic Services
Thursday, 3 January 2019

Contact: Democratic Services - 636923

Agenda Item 3



Cyngor **Abertawe**
Swansea Council

Report of the Licensing and Food and Safety Manager

Statutory Licensing Sub Committee - 15 January 2019

Gambling Act 2005 **Schedule 10 - Application for an Unlicensed Family** **Entertainment Centre (uFEC) Permit**

1. **Premises: 48 The Kingsway, Swansea, SA1 5HG**
2. **Applicant : Mr Christopher J Mcghan**
3. **Application For A Permit**
- 3.1 An application for an Unlicensed Family Entertainment Centre (uFEC) was received by this authority on the 24th September 2018. The applicant proposes that a family entertainment centre will be located on the ground floor of the premises and a laser escape room located in the basement area. The applicant has applied for a permit for the premises to be used for making gaming machines available for use at the premises. A copy of the supplementary information supplied with the application made in accordance with paragraph 32.2 of the Council's current Statement of the Licensing Principles is attached at **Appendix A**.

The Applicant proposes the following opening hours

Monday to Friday 1200 – 2000, Saturday and Sunday 1000 - 2200

4. **Background**
- 4.1 A permit for a uFEC will have effect for 10 years if granted, unless it is surrendered or it is permitted to lapse. A uFEC is only entitled to make Category D machines available. An explanation of the Category D machines can be found in **Appendix B** to this report.
- 4.2 The premises relevant to this application for a uFEC permit is located on The Kingsway and was previously used as a Ty Hafan charity shop. A location plan is attached at **Appendix C**.

A plan of the proposed premises is attached at **Appendix D**.

5. Promotion of The Licensing Objectives

5.1 As Members will be aware, the Gambling Act 2005 aims to promote three licensing objectives:-

- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- (b) ensuring that gambling is conducted in a fair and open way, and
- (c) protecting children and other vulnerable persons from being harmed or exploited by gambling.

6. Relevant Representations

6.1 A list of the relevant Responsible Authorities and the responses received in relation to this application are as follows:

a) **South Wales Police**
Representations received.

b) **Interested Parties**
Representations have been received from:

Andy Edwards, Targeted and Specialist Services Manager, Swansea Young People Services

Damian Rees, Principal Officer for Safeguarding and Performance Quality

All responses are attached at **Appendix E** to this report.

7. Policy Considerations

7.1 In considering this application Members should have regard to the Council's current Statement of the Licensing Principles for the Gambling Act 2005 (Gambling Policy) adopted and last amended in December 2017. Specifically in relation to this application;

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.

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.

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.

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.*

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

7.2 A link to the full Policy can be found at
<https://www.swansea.gov.uk/gamblingpolicy>

8. Guidance Issued by the Gambling Commission

8.1 Members should also have regard to the relevant parts of the current guidance issued by the Gambling Commission (the Guidance) September 2015, in particular in relation to this application;

Part 24: Unlicensed family entertainment centres (uFEC) - Attached at Appendix F to this report.

9. Relevant Legislation

Unlicensed Family Entertainment Centre Permits may be issued under Schedule 10 of the Gambling Act 2005.

“8(1)On considering an application for a permit a licensing authority may—

- (a) grant it, or*
- (b) refuse it.*

(2)A licensing authority may not attach conditions to a permit.

(3)As soon as is reasonably practicable after granting an application a licensing authority shall issue a permit to the applicant.

(4)As soon as is reasonably practicable after refusing an application a licensing authority shall notify the applicant of—

- (a)the refusal, and*
- (b)the reasons for it.*

9A licensing authority may grant an application for a permit only if they—
(a) are satisfied that the applicant intends to use the premises as an unlicensed family entertainment centre, and
(b) have consulted the chief officer of police for a police area in which the premises are wholly or partly situated

10(1)A licensing authority may not refuse an application unless they have—

(a) notified the applicant of their intention to refuse the application and of their reasons, and

(b) given the applicant an opportunity to make representations.

(2)A licensing authority may satisfy sub-paragraph (1)(b) by giving the applicant an opportunity to make—

(a) oral representations,

(b) written representations, or

(c) both.

22(1)The applicant for or holder of a permit may appeal if the licensing authority—

(a) reject an application for the issue or renewal of a permit,

(b) give a notice under paragraph 14, or

(c) give a notice under paragraph 15(1)(b).

(2)An appeal under this paragraph must be instituted—

(a) in the magistrates' court for a local justice area in which the premises to which the appeal relates are wholly or partly situated,

(b) by notice of appeal given to the designated officer, and

(c) within the period of 21 days beginning with the day on which the appellant or holder receives notice of the decision against which the appeal is brought.

(3)On an appeal the magistrates' court may—

(a) dismiss the appeal;

(b) substitute for the decision appealed against any decision that the licensing authority could have made (with effect from such date and on such transitional or other terms as the court may specify);

(c) restore a permit (with effect from such date and on such transitional or other terms as the court may specify);

(d) remit the case to the licensing authority to decide in accordance with a direction of the court;

(e) make an order about costs.

(4)Sub-paragraph (1) applies to a decision of a licensing authority following remittal under sub-paragraph (3)(d).

(5)In relation to premises in Scotland—

(a) sub-paragraph (2)(a) shall have effect as if it referred to a sheriff within whose sheriffdom the premises are wholly or partly situated,

(b) sub-paragraph (2)(b) shall not have effect,

(c) the reference in sub-paragraph (3) to the magistrates' court shall have effect as a reference to the sheriff, and

(d) the reference in sub-paragraph (3) to costs shall have effect as a reference to expenses.”

10. Determination of the Application

- 10.1 The decision must be based on the individual merits of the application and the representations received. When considering the application Members need not (but may) have regard to the licensing objectives and shall have regard to the Guidance.
- 10.2 In arriving at a decision Members should have regard to the relevant provisions of the Council's Statement of the Gambling Policy.
- 10.3 Reasons must be provided for any departures from the Policy or Guidance.
- 10.4 In accordance with paragraph 9 above, officers have issued a notice to the applicant in accordance with Schedule 10 Section (10) stating the intention to refuse the permit. A copy of the intention and the reasons is attached at **Appendix G** to this report.
- 10.5 Members will be aware that in accordance with paragraph 15.1 of Council's current Statement of the Licensing Principles *"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."*
- 10.6 As Members will note, Schedule 10 Section (10) (1b) also gives the applicant the right to make representations to this intention.
- 10.7 On considering an application for a permit the Committee may:-
- a) Grant the permit
 - b) Refuse the permit

The Licensing Sub Committee's instructions are requested.

Background Papers:	Licence Application
Contact Officer:	Becca John
Extension:	01792 635600
Legal Officer:	Lyndsay Thomas

Mr C J Mcghan



Ref: permit application 48 Kingsway Swansea SA1 5HG

A work colleague and I are starting a new business venture in the Kingsway area of Swansea, we each have over thirty-two years experience in the gaming industry and I have previously held a machine operators license from the gaming board of Great Britain now known as the gambling commission.

If granted the premises will be manned during opening Hours and all staff will be trained knowing the different machine categories, all aspects of gambling awareness, self exclusion, customer services and each member of staff will have to provide a current criminal record check before commencing employment.

Opening Hours will be Mon - Fri 12-8
Sat - Sun 10-10

The premises will have CCTV coverage and will be available for your compliance officers to view upon request. There will be no admittance of under 16's during school hours.

If granted it will be split over two floors with a family entertainment center on the ground floor and a laser escape room in the basement area, it will provide several full and part time jobs and will have a positive impact on the sustainability of the local shopping area

All category D machines will be supplied by a licensed machine supplier and we are currently in negotiations with Gamestec, Playnation and Sega amusement.

A handwritten signature in black ink, appearing to read 'CJMcghan'.

STAYING IN CONTROL

Whenever you play machines it is wise to remember that:

- You are buying entertainment, not investing your money.
- You should only spend money you can afford to lose.
- In advance of playing you should set strict limits on how much you will spend.
- Problems will arise if playing machines becomes the most important part of your life.
- Playing should take up only a relatively small amount of your time and interest.
- Playing within your means is likely to be fun and exciting.
- Spending outside your means is likely to create problems for you and others.
- You shouldn't play to escape from worries or pressures.

Playing the Machines!



STAYING IN CONTROL

CALCULATING THE RISK

Gambling is a fun and exciting form of entertainment, which provides an enjoyable experience.

Playing slot machines is an attractive way of taking a risk as long as the risk taking is kept under control.

The great majority of people who play slot machines or gamble in other ways enjoy the experience without any problems, but a very small number lose control of what they are doing.

For these players gambling ceases to be fun.

Their life can be dominated by gambling.

PROBLEM GAMBLING

Problem gamblers will continue playing whether winning or losing. They will use their own and other people's money in order to keep playing. As gambling takes over their life, many other things can suffer: family life, their job, and other interests.

Gambling becomes a problem when you:

- Gamble until all your money has gone.
- Borrow or steal money to continue gambling.
- Gamble to chase your losses.
- Neglect other interests, family and friends to gamble.

CHECKING IT OUT

Someone who thinks they might have a gambling problem should ask themselves if:

- They lose time from education or work because of gambling.
- They gamble to get money to pay debts or solve financial difficulties.
- After losing they feel they must return as soon as possible to win back losses.
- They gamble until their last pound has gone.
- They borrow to finance their gambling.
- They are reluctant to use "gambling money" for normal expenditure.
- They have ever committed, or considered committing an illegal act in order to finance their gambling.
- They have ever considered self-destructive behaviour as a result of their gambling.

WHO CAN HELP?

If you are in difficulty with your gambling or know someone who is, and would like to help, call GamCare helpline:

GamCare: 0845 6000 133

GamCare is the national centre for information, advice and practical help regarding the social impact of gambling.

The national helpline is answered by trained staff. They can offer counselling, information and advice to problem gamblers, family members and to friends of a gambler. Information regarding counselling for problem gamblers is available on request.

Appendix B - Summary of gaming machine categories and entitlements

1. Appendix B: Summary of gaming machine categories and entitlements

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Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited – No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D – non-money prize	30p	£8
D – non-money prize (crane grab machines only)	£1	£50
D – money prize	10p	£5
D – combined money and non-money prize	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machines only)	20p	£20 (of which no more than £10 may be a money prize)

* With option of max £20,000 linked progressive jackpot on premises basis only

[Home](#) [For ga...](#) [Compli...](#) [Sector specific...](#) [Arcades and machines](#)

D gaming machines

Category D machines can be located in casinos, betting shops, tracks with pool betting, bingo premises, adult gaming centres, members' clubs, miners' welfare clubs or commercial clubs, FECs, pubs, travelling fairs, and unlicensed (with permit) family entertainment centres.

However, their use in premises other than adult gaming centres, family entertainment centres, pubs and travelling fairs is unusual.

There are five different combinations of stake and prize for the various types of category D machine:

D money prize	10p	£5
D non-money prize (other than crane grab machine)	30p	£8
D non-money prize (crane grab machine)	£1	£50
D combined money and non-money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)
D combined money and non-money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)

Pubs and other alcohol licensed premises are automatically entitled to two category C or D gaming machines upon notification to the local licensing authority of their intention to make gaming machines available for use.

Licensing authorities can issue [gaming machine permits](#) which allow additional category C and D gaming machines to be provided.

Where a gaming machine permit authorises the making available of a specified number of gaming machines in particular premises, this will effectively replace, and not be in addition to, any automatic entitlement to two machines.

Members' clubs and miners' welfare institutes may site up to three machines from categories B3A, B4, C or D (only one can be B3A) with a club machine permit. Commercial clubs may site up to three machines from categories B4, C or D (not B3A machines).

Travelling fairs may site any number of category D gaming machines.

Bingo machines

Some category D gaming machines are designed or adapted to play bingo as a prize game. If you have prize gaming permit or a family entertainment centre permit you can make these machines available to play. The machines must comply with our [Gaming machine permits code of practice](#)

Licences and permits required

If you are a machine manufacturer or supplier you will need a [gaming machine technical licence](#), which type will depend on the nature of your business.

Gaming machine technical standards

For the full details of the technical standards to which this category of machine must comply see:

- [Gaming machine technical standards - complex category D](#)
- [Gaming machine technical standards - non-complex category D machines](#)
- [Gaming machine technical standards - B3, B4, C and D legacy machines](#)

All gaming machines must comply with our [gaming machine technical standards](#).

Test houses

Category B4, C, and D gaming machines can be tested via an independent laboratory or via the manufacturers own processes under strict controls.

For categories A, B1, B2, B3, B3A, B4, C, D, server networked and downloadable, cashless payment, linked progressives and wireless networks refer to the [Gaming machine testing strategy](#).

Return to player (RTP)

Category D machines must display the “theoretical target percentage return to player” unless they are of the crane grab or penny falls type.

RTP is an **average** measured over a large number of games and will vary over a typical session due to normal game volatility. It is a matter for the manufacturer to decide upon the game RTP and there is no minimum requirement but the minimum average return must be displayed to the player for the game.

There are duties to be paid on gaming machines so you should read this information in conjunction with the characteristics published by HMRC

VAT Betting and Gaming guidance



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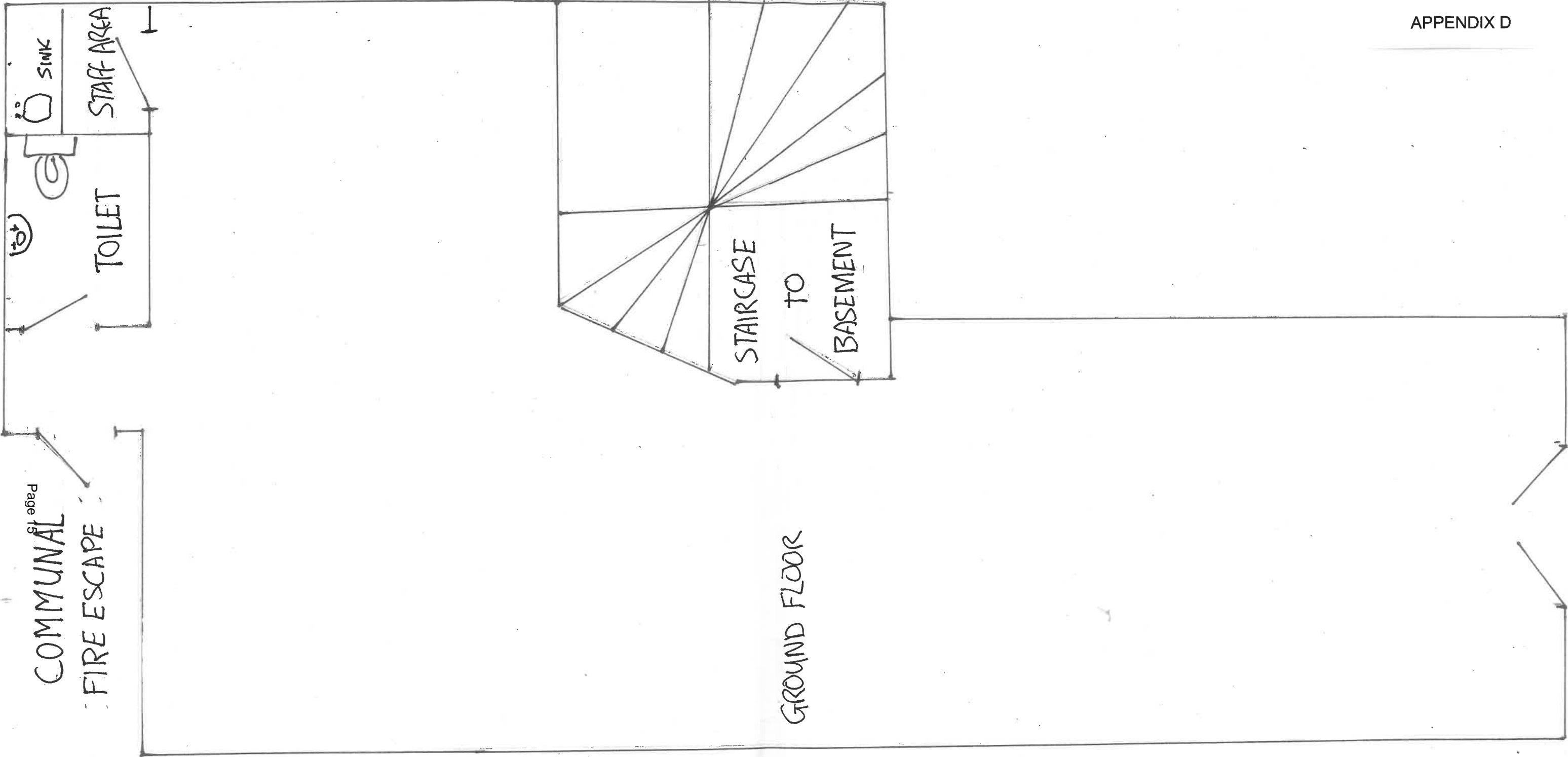


This plan is for illustrative purposes only and should not be used as a legal document.

Statutory Licencing Sub Committee
Gambling Act 2005
10th December 2018

Appendix C

Scale: 1:250
Date: 29/11/2018
Created by: Becca.John



COMMUNAL
FIRE ESCAPE

TOILET

SINK

STAFF AREA

STAIRCASE

TO

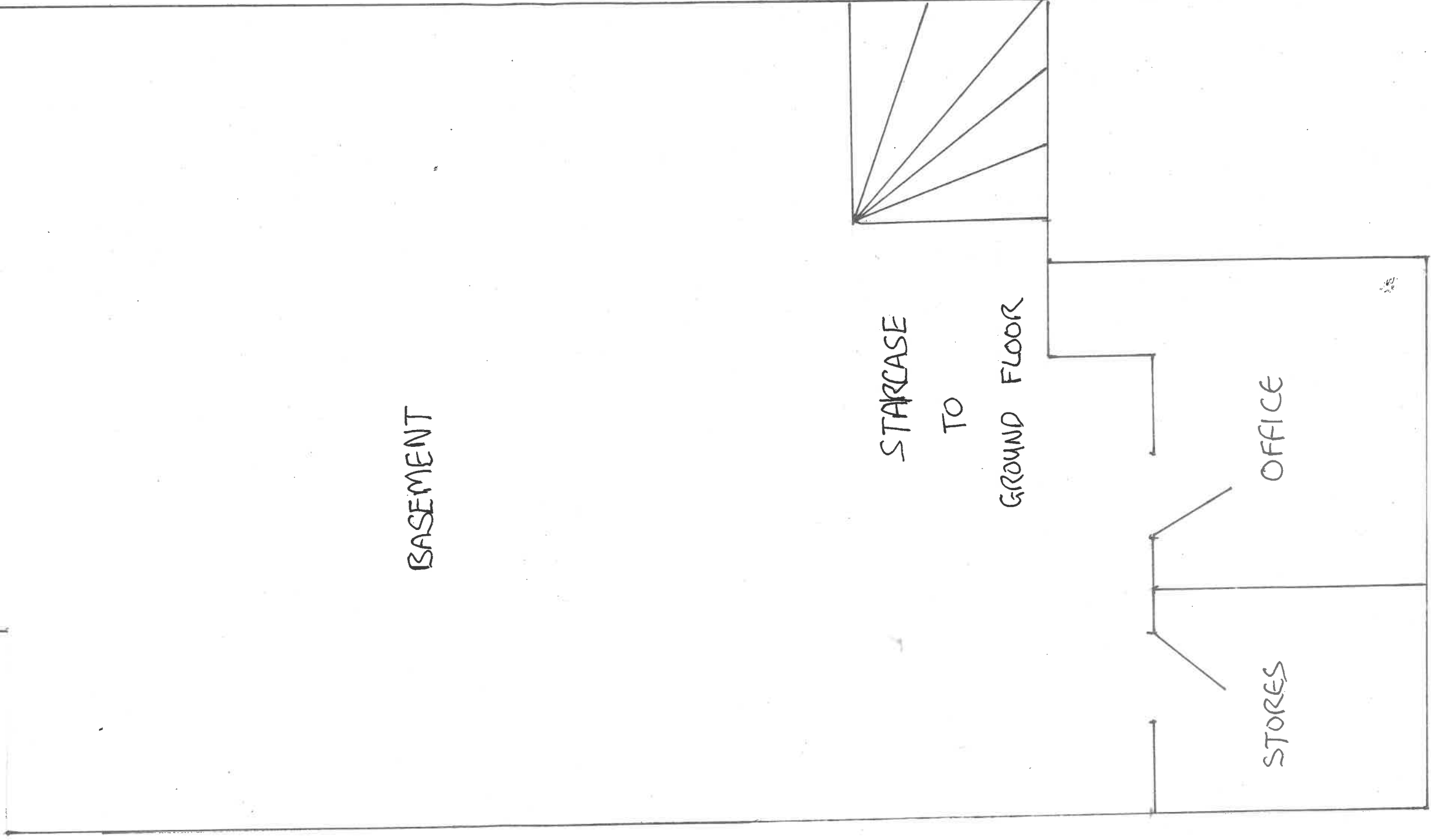
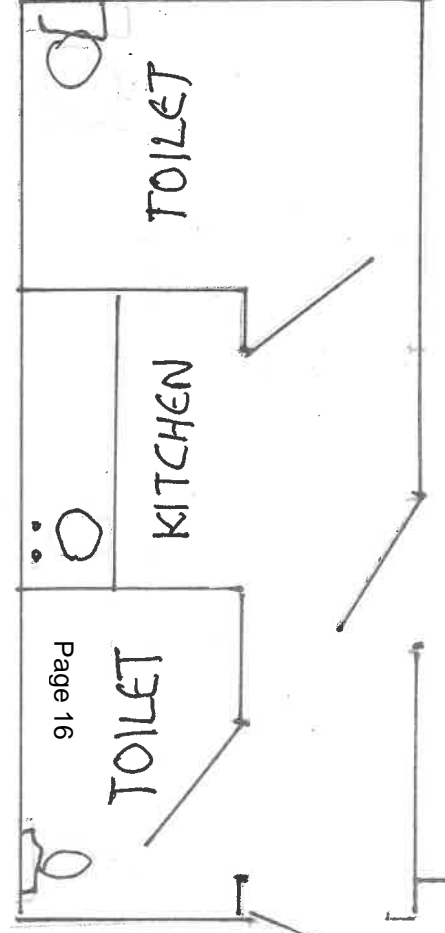
BASEMENT

GROUND FLOOR

SCALE: 1:200



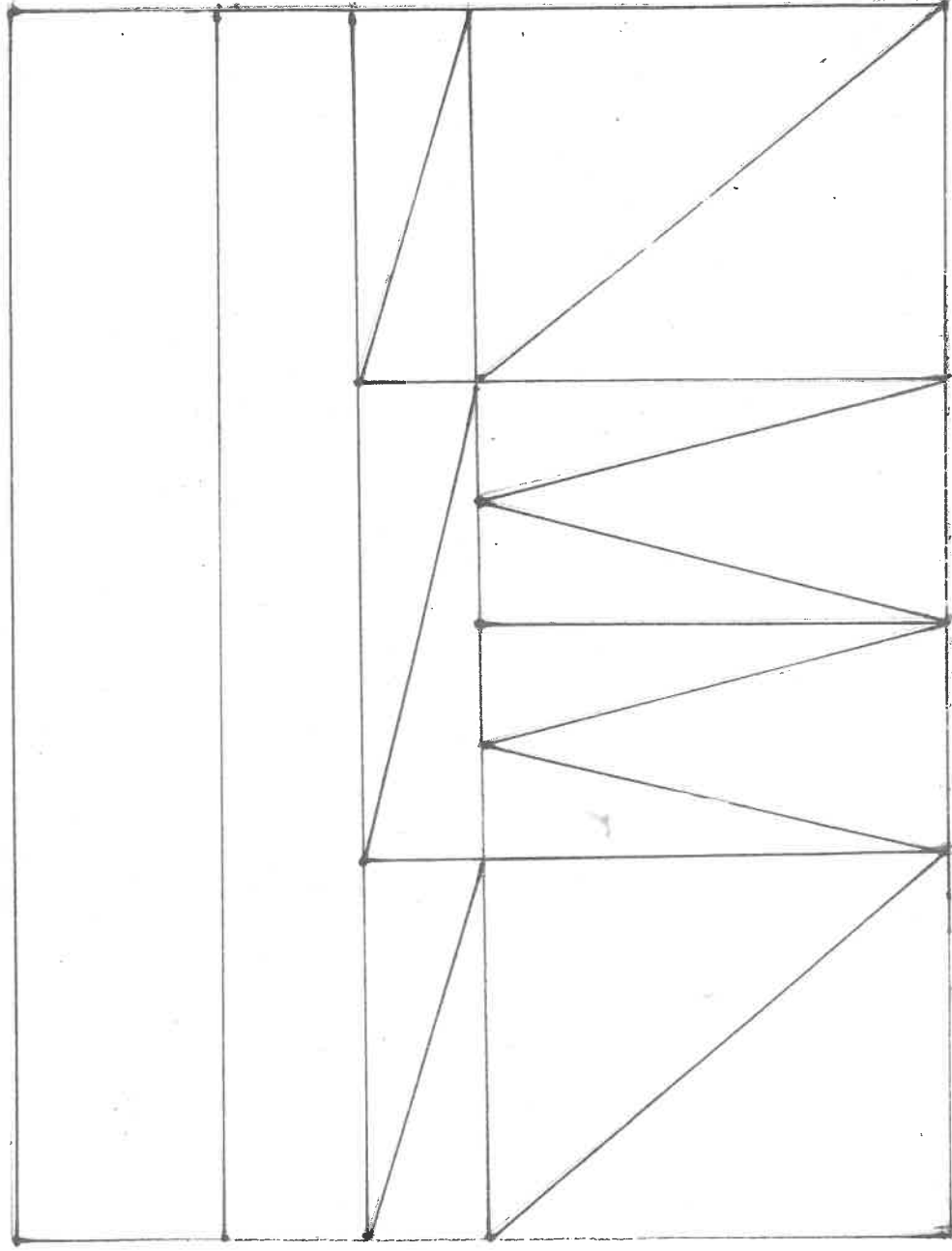
COMMUNAL
FIRE ESCAPE



SCALE: 1:200



FRONT ELEVATION



SCALE- 1:250





PC Jon Hancock,
Police Licensing Officer,
Swansea Central Police Station.

Jonathan.Hancock@south-wales.pnn.police.uk

Mrs Lynda Anthony.
The Divisional Licensing Officer,
City and County of Swansea,
Civic Centre,
Swansea.

18th October 2018

**Police Observations to application for a
Unlicensed Family Entertainment Centre Gaming
Machine Permit under the Gambling Act 2005.**

I am in receipt of the above application made under the requirements of the
Gambling Act 2005 for the below mentioned premises

Premises: Laser Amusements
 48 The Kingsway
 Swansea
 SA1 5HG

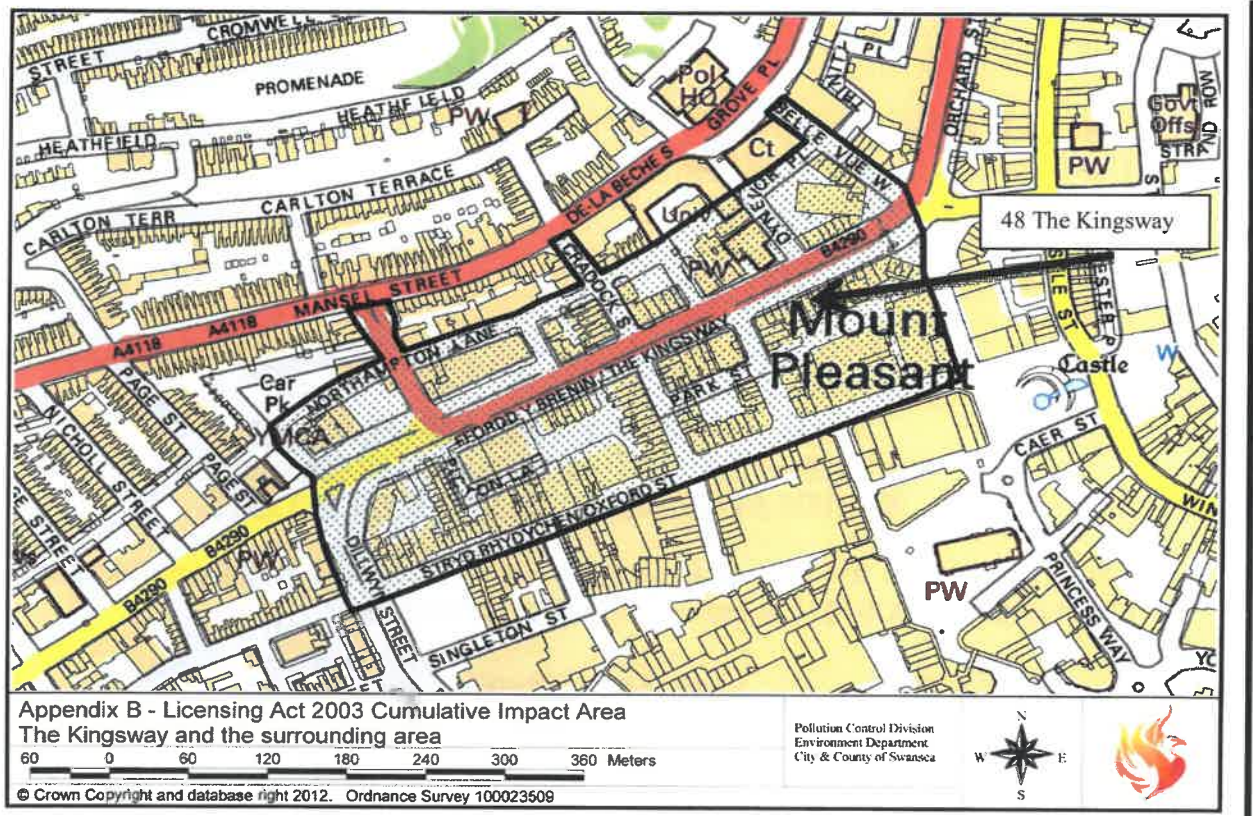
The application has been made by Christopher McGhan, [REDACTED]

Having considered the application on behalf of South Wales Police, I
can confirm that the Chief Constable wishes to make significant
representations as to why the application should not be granted in its
proposed form. The representations, supported by evidence are made
on the grounds that the granting of the licence in its current form will
undermine the promotion of the key licensing objective namely
Protecting children and other vulnerable persons from being harmed or
exploited by gambling.

This property is situated in the old Ty Hafan building on the Kingsway,
Swansea. The building would be divided over two floors, with a family
entertainment centre on the ground floor and a laser escape room in the



basement area.



The applicant has provided the following operating hours within the application.

Monday – Friday – 1200-2000hrs
Saturday – Sunday – 1000-2200hrs

There would be no admittance to under 16's during school hours

South Wales Police, as a Responsible Authority hereby submits representations that to grant this application would have a negative impact on the licensing objective of protecting children and vulnerable persons from being harmed or exploited by gambling. This is based on the Info Nation premises which is located next door to the application. Info Nation is a one-stop shop for young people offering information, advice and specialist support to young people aged 11-25 and their families. It is a partnership between

Mae Heddlu De Cymru yn croesawu derbyn gohebiaeth yn Gymraeg a Saesneg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

South Wales Police welcomes receiving correspondence in Welsh and English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

PROTECT - COMMERCIAL



Evolve (The City and County of Swansea's Young People Services), Barnardos Cymru and Drugaid Cymru, and is open Monday to Friday between 1230hrs and 1630hrs.

Protecting vulnerable people within our communities is an operational priority for South Wales Police and therefore South Wales Police submit that to operate an unlicensed family entertainment centre next door to a premises which offers support to young vulnerable people undermines the licensing objective and risks exploiting young vulnerable people through gambling.

South Wales Police feel that their approach is a fair and proportionate response.

Respectfully submitted for your information and consideration,

Yours sincerely,

Jon Hancock

Police Licensing Officer
(On behalf of the Chief Officer of Police)

John, Becca

From: Rees, Damian
Sent: 18 October 2018 12:49
To: John, Becca
Subject: Kingsway License.
Attachments: Document2.docx

Importance: High

Hi Becca here is the objection from me in respect of this application.

Damian Rees

Principal Officer for Safeguarding and Performance Quality

Child & Family Services / Gwasanaethau Plant a Theuluoedd

Swansea / Abertawe

Tel: 01792 635180

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.



Cyngor Abertawe
Swansea Council

Application for an Unlicensed Family Entertainment Centre (UFEC) - 48 The Kingsway, Swansea

Having considered that the application that we want to make significant representation to object the granting of the license application on the following grounds: **Protecting children and other vulnerable persons from being harmed or exploited by gambling.** (*Section 1, Objective c, Gambling Act (2005)*). This significant objection is supported by evidence made on the grounds that the granting of the licence will undermine the promotion of the key licencing objective, namely protecting children and other vulnerable person from being harmed or exploited by gambling.

The premises in question is located next door to Info-Nation, a long-established young person's centre. Info-Nation is a centre that provides a range of vital services to some of the most vulnerable young people in Swansea.

Although some young people access the centre as a part of series of positive choices about their life, many come into the centre because the issues they are dealing with make them more vulnerable and in need of support that they cannot access elsewhere.

Amongst the centre's client group are young people that use the following services:

- **Looked After Children / Leaving Care:** Amongst the client group that regularly use the centre are those young people who have been in care and to whom Swansea Council has a statutory duty, as their corporate parent, for their care and support. This includes the provision of weekly maintenance payments.
- **Substance Misuse:** The centre hosts Choices, the single point of referral for young people experiencing problems with substance misuse, in Swansea. This service is used by many young people who already have a harmful, addictive behaviour, as well as the need to ensure an income that supports it.
- **Youth Homelessness:** If a young person becomes homeless, they will have to visit Info-Nation to have their need assessed, and obtain their support.
- **Support for young people not in education, employment or training (NEET):** Info-Nation has a dedicated team supporting those young people who require additional support in order to be able to access opportunities for education, employment and training.

A common denominator for a vast proportion of these young people is that they have very little in the way of financial resources, but have a lot of time on their hands. This is often exacerbated by needing to wait to see a worker or obtain assistance when in crisis. This would make them particularly vulnerable to the lure of quick financial reward through the games that are often promoted within a Family Entertainment Centre. There is also a risk that a Family Entertainment Centre will act as a draw for people who might seek to exploit the more vulnerable clientele of such an establishment.

By locating the centre next door to a service that specifically works with vulnerable young people, this extends these risks beyond its own doors, and it is difficult to see how they could be sufficiently managed or mitigated, in relation to Info-Nation's client group.

In addition to the above The Youth Offending Service, working with vulnerable young people is also in very close proximity to this location and the concerns set out above would apply

I therefore request that you reject the aforementioned licensing application.

Damian Rees

Principal Officer for Safeguarding and Quality Assurance

Designated Lead for Child Protection/Local Authority Designated Officer (LADO)

John, Becca

From: Edwards, Andy
Sent: 18 October 2018 14:09
To: John, Becca
Cc: Evans, Gavin; Moxey, Rachel
Subject: RE: Application for an Unlicensed Family Entertainment Centre (UFEC) - 48 The Kingsway, Swansea

Dear Becca,

I am writing to you in my role as the manager responsible for Info-Nation, Swansea's one-stop shop for young people, which is adjacent to the above premises; I would like to object to the licensing application on the following grounds: **Protecting children and other vulnerable persons from being harmed or exploited by gambling.** (*Section 1, Objective c, Gambling Act (2005)*)

The premises in question is located next door to Info-Nation, a long-established young person's centre that provides a range of vital services to some of the most vulnerable young people in Swansea. Although some young people access the centre as a part of series of positive choices about their life, many come into the centre because the issues they are dealing with make them more vulnerable and in need of support that they cannot access elsewhere.

Amongst the centre's client group are young people that use the following services:

- **Looked After Children / Leaving Care:** Amongst the client group that regularly use the centre are those young people who have been in care and to whom Swansea Council has a statutory duty, as their corporate parent, for their care and support. This includes the provision of weekly maintenance payments.
- **Substance Misuse:** The centre hosts Choices, the single point of referral for young people experiencing problems with substance misuse, in Swansea. This service is used by many young people who already have a harmful, addictive behaviour, as well as the need to ensure an income that supports it.
- **Youth Homelessness:** If a young person becomes homeless, they will have to visit Info-Nation to have their need assessed, and obtain their support.
- **Support for young people not in education, employment or training (NEET):** Info-Nation has a dedicated team supporting those young people who require additional support in order to be able to access opportunities for education, employment and training.

A common denominator for a vast proportion of these young people is that they have very little in the way of financial resources, but have a lot of time on their hands. This is often exacerbated by needing to wait to see a worker or obtain assistance when in crisis. This would make them particularly vulnerable to the lure of quick financial reward through the games that are often promoted within a Family Entertainment Centre. There is also a risk that a Family Entertainment Centre will act as a draw for people who might seek to exploit the more vulnerable clientele of such an establishment.

By locating the centre next door to a service that specifically works with vulnerable young people, this extends these risks beyond its own doors, and it is difficult to see how they could be sufficiently managed or mitigated, in relation to Info-Nation's client group.

An additional consideration, to take into account, is the close proximity of both the youth courts and Western Bay Youth & Early Intervention offices. This increases the volume of young people that would be considered vulnerable in relation to the proposed facility.

I would therefore request that you reject the afore mentioned licensing application.

Yours sincerely,

Andy

Andy Edwards

Targeted and Specialist Services Manager - **Rheolwr Gwasanaethau a Dargedir ac Arbenigol**


Swansea Young People Services - **Gwasanaethau Pobl Ifanc Abertawe**

Swansea Council - **Cyngor Abertawe**

Info-Nation, 47 The Kingsway, Swansea, SA1 5HG

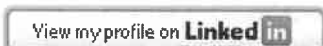
Info-Nation, 47 Ffordd y Brenin, Abertawe, SA1 5HG

 07557 481489

 andy.edwards@swansea.gov.uk

We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales.

Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.



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Part 24: Unlicensed family entertainment centres

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Introduction

24.1 Unlicensed family entertainment centres (uFEC) are able to offer only category D machines in reliance on a gaming machine permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as fire regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.

24.2 uFECs are premises which are 'wholly or mainly' used for making gaming machines available (S238 Gambling Act 2005). The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.

24.3 A permit lapses if the licensing authority informs the permit holder that the premises are not being used as an FEC (Schedule 10 (14) Gambling Act 2005). Further guidance is set out at paragraph 22.5.

24.4 If the operator wishes to make category C machines available in addition to category D machines, the operator will need to apply for a gaming machine general operating licence ([Family Entertainment Centre](#)) from the Commission and a premises licence from the licensing authority.

24.5 Schedule 10 of the Act sets out the application process and regulatory regime for FEC gaming machine permits.

Applying for a permit

24.6 The application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an uFEC and, if the applicant is an individual, he or she must be aged 18 or over. Applications for a permit cannot be made if a premises licence is in effect for the same premises. The application must be made to the licensing authority in whose area the premises are wholly or partly situated.

24.7 The licensing authority must specify the form and manner in which the application should be made, and specify what other information and documents (such as insurance certificates, plans of building, and so on) they require to accompany the application. Applications must be accompanied by a fee, as prescribed in regulations (SI No 454/2007: The Gambling Act 2005 (Family Entertainment Centre Gaming Machine)(Permits) Regulations 2007 and SSI No 309/2007: The Gambling Act 2005 (Fees)(Scotland) Regulations 2007) set by the Secretary of State for England and Wales and Scottish Ministers for Scotland.

24.8 In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits. In particular it may want to set out the matters that it will take into account in determining the suitability of the applicant. Given that the premises is likely to appeal particularly to children and young persons, licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling and to ensure that staff supervision adequately reflects the level of risk to this group. Licensing authorities are also encouraged to also specify in their statement of policy that a plan for the uFEC must be submitted.

Granting or refusing a permit

24.9 The licensing authority can grant or refuse an application for a permit, but cannot add conditions. An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an uFEC, and if the chief officer of police has been consulted on the application. In considering the application, the

licensing authority shall have regard to this guidance and may have regard to the licensing objectives (Schedule 10, paragraph 7 of the Act). The licensing authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act)
- that employees are trained to have a full understanding of the maximum stakes and prizes.

24.10 The licensing authority may not refuse an application unless it has notified the applicant of the intention to refuse and the reasons for it, and given them an opportunity to make representations orally or in writing or both. The rights of appeal in relation to permits are discussed in [Part 12](#) of this guidance.

24.11 If a permit is granted, the licensing authority must issue it as soon as is reasonably practicable. The Secretary of State has set out the form of the permit in regulations (SI No 454/2007: The Gambling Act 2005 (Family Entertainment Centre Gaming Machine) (Permits) Regulations 2007). The permit must specify the person to whom it is issued, the premises it relates to, the date on which it takes effect, the date on which it expires and the name and address of the licensing authority issuing it.

24.12 The permit will have effect for ten years, unless it ceases to have effect because it is surrendered or lapses or is renewed. There is no annual fee for FEC gaming machine permits. Permits that were first granted under the Act will expire in 2017.

24.13 If the person to whom the permit is issued changes their name, or wants to be known by another name, they may send the permit to the issuing authority for amendment, together with the appropriate fee. The authority must comply with the request and return the permit to the holder.

Lapse, surrender and forfeiture

24.14 The permit may lapse for a number of reasons, namely:

- if the holder ceases to occupy the premises
- if the licensing authority notifies the holder that the premises are not being used as an uFEC
- if an individual permit holder dies, becomes incapable by reason of mental or physical incapacity, becomes bankrupt, or sequestration of his estate is ordered

- if the company holding the permit ceases to exist, or goes into liquidation.

24.15 The purpose of the second reason listed above is to ensure that there is no erosion of the principle that an uFEC permit should be obtained for premises that are wholly or mainly used for gaming machines. Licensing authorities would need to use this power in circumstances in which, since the grant of the permit, other activities have been introduced in the premises that mean the gaming machines have become ancillary.

24.16 In the last two circumstances listed above, the Act provides that the personal representative (in the case of death), trustee of the bankrupt estate or liquidator of the company may rely on the permit for a period of six months as though it had effect and was issued to them.

24.17 The permit may also cease to have effect if the holder surrenders it to the licensing authority. Notice of such surrender must be accompanied by the permit, or by an explanation of why the permit cannot be produced.

24.18 If the permit holder is convicted of a relevant offence the court may order the forfeiture of the permit. The court may order the holder to deliver the permit to the licensing authority and it must, in any case, notify the licensing authority that it has made a forfeiture order as soon as is reasonably practicable after making the order. Such an order may be suspended by a higher court, pending appeal.

Renewal

24.19 In accordance with paragraph 18 of Schedule 10 of the Act, an application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. The licensing authority may only refuse to renew a permit on the grounds that:

- an authorised local authority officer has been refused access to the premises without reasonable excuse
- renewal would not be reasonably consistent with the licensing objectives. In this respect, the licensing authority will have the benefit of having consulted the chief officer of police and will be aware of any concerns that have arisen about the use of the premises during the life of the permit.

24.20 The duration of the permit will not be curtailed while a renewal application is pending, including an appeal against a decision not to renew.

Maintenance

24.21 The permit must be kept on the premises and it is an offence not to produce it when requested to do so by a constable, an enforcement officer, or an authorised local authority officer.

24.22 If a permit is lost, stolen or damaged, the holder may apply for a replacement, subject to paying a fee that has been set by the Secretary of State or Scottish Ministers in regulations. The licensing authority must grant the application if it is satisfied that the permit has been lost, stolen or damaged and a report has been made to the police. The licensing authority should issue a copy and certify it as a true copy of the original permit.

NOTICE OF INTENTION TO REFUSE AN APPLICATION FOR AN UNLICENSED FAMILY ENTERTAINMENT CENTRE PERMIT

This notice is issued in accordance with regulations made under Schedule 10 Section 10(1) of the Gambling Act 2005

City and County of Swansea
Licensing Division
Housing and Public Health Department
Civic Centre
Oystermouth Road
Swansea. SA1 3SN.

The City and County of Swansea gives Notice of Intention to refuse an application for a permit of the following type:

UNLICENSED FAMILY ENTERTAINMENT CENTRE PERMIT

made by:

Mr C J Mcghan

of the following address:

The proposed premises to which this notice applies are:

Laser Amusements, 48 The Kingsway, Swansea, SA1 5HG.

Reasons for decision :

After careful consideration of the application, the supplementary information received with the application and having regard to all the representations made it is appropriate for the promotion of the licensing objectives to issue notice of intention to refuse the uFEC permit.

This Authority has had particular regard to the location of the proposed premises whilst considering this application and is not satisfied that the following Licensing Objective can be met in accordance with the Gambling Act 2005 :

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

This reason is given due to the location of the premises being in close proximity, next door, to an established premises used to provide Counselling, advice and guidance on all matters including gambling harm to vulnerable persons, specifically children.

There is also concern that whilst the vulnerable persons are visiting the established counselling service they may use the uFEC premises, some of which are vulnerable

due to their financial circumstances which may exacerbate their issues.

In accordance with regulations made under Schedule 10 Section 10(2) of the Gambling Act 2005, you must be given the opportunity to make oral representations, written representations or both, **please send any representations to this notice to the Licensing Authority, Civic Centre, Oystermouth Road, Swansea. SA1 3SN.**

A Statutory Licensing Sub Committee has been arranged for Monday 10th December 2018 at 10am at the Council Chamber, Guildhall, Swansea, SA1 4PE where all representations will be heard. A separate notification inviting you to attend the Committee will be sent in due course along with a copy of the report to be considered.

Should you have any queries in relation to this Notice please contact the Licensing Section via 01792 635600 or evh.licensing@swansea.gov.uk