



# Complete Agenda

**Democratic Services**  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**CENTRAL LICENSING COMMITTEE**

Date and Time

**MONDAY, 10TH SEPTEMBER, 2018**

**TO FOLLOW ON FROM GENERAL LICENSING COMMITTEE**

Location

**Siambwr Hywel Dda, Council Offices,  
Caernarfon, Gwynedd. LL55 1SH**

Contact Point

**Lowri Haf Evans**

**01286 679 878**

**lowrihafevans@gwynedd.llyw.cymru**

( Distributed 3 September 2018 )

# **CENTRAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (8)**

Councillors

Annwen Daniels  
Annwen Hughes  
Edgar Wyn Owen  
Peter Read

Steve Collings  
Dafydd Owen  
Rheinallt Puw  
Elfed Williams

### **Independent (4)**

Councillors

John Brynmor Hughes  
Jason Wayne Parry

Eryl Jones-Williams  
Angela Russell

### **Llais Gwynedd (1)**

Councillor  
Gareth Williams

### **Individual Member (2)**

Councillor

Sion W. Jones  
Vacant seat – individual member

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **A G E N D A**

**1. APOLOGIES**

To receive any apologies for absence.

**2. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

**3. URGENT ITEMS**

To note any items that are a matter of urgency in the view of the Chairman for consideration.

**4. MINUTES**

4

The Chairman shall propose that the minutes of the meeting of this Committee, held on 11th of June 2018 be signed as a true record.

**5. LICENSING SUB COMMITTEE MINUTES**

5 - 11

To submit, for information, minutes of the Central Licensing Sub-committee meeting held on the following dates –

- a) 20.6.18
- b) 17.7.18

**6. STATEMENT OF GAMBLING POLICY 2018**

12 - 67

To consider the report of the Head of Environment

# Agenda Item 4

---

## CENTRAL LICENSING COMMITTEE 11.06.18

---

**Present:** Councillors, Steve Collings, Annwen Daniels, Annwen Hughes, Eryl Jones-Williams, Dafydd Owen, Edgar Wyn Owen, Jason Wayne Parry, Peter Read, Angela Russell, Elfed W. Williams and Gareth Williams.

**Also in Attendance:** Gareth Jones (Senior Manager, Planning Service and Public Protection) Gwenan Mai Roberts (Licensing Manager), Siôn Huws (Solicitor) and Lowri Haf Evans (Member Support Officer)

### 1. ELECTION OF CHAIR

Resolved to re-elect Councillor Peter Read as Chairman of this Committee for the period 2018 - 2019

### 2. ELECTION OF VICE-CHAIR

Resolved to re-elect Councillor Elfed Williams as Vice-chairman of this Committee for the period 2018 - 2019

### 3. APOLOGIES

Apologies were received from Councillor John Brynmor Hughes, Siôn Jones and Rheinallt Puw.

### 4. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 5. URGENT ITEMS

None to note

### 6. MINUTES OF THE PREVIOUS MEETING

The Chairman signed the minutes of the previous meeting of this committee held on 5 March 2018 as a true record.

The meeting commenced at 11:00am and concluded at 11:05am.

---

## CENTRAL LICENSING SUB-COMMITTEE 20.06.18

---

**Present:**                   **Councillors:** : Councillor Peter Read (Chairman), Steve Collings and Annwen Daniels

**Officers:**               Sïon Huws (Solicitor), Gwenan Mai Roberts (Licensing Manager), Rhian Jones (Licensing Officer) and Lowri H Evans (Member Support Officer).

**1.       APOLOGIES**

Apologies were received from Mr Jonathan Webb (objector)

**2.       DECLARATION OF PERSONAL INTEREST**

None to note.

**3.       URGENT ITEMS**

None to note

**4.       APPLICATION FOR PREMISES LICENCE - Y Maes Café, Llandanwg, Harlech**

**On behalf of the premises:** Mr Graham Perch (applicant)

**Others invited:**                   Councillor Annwen Hughes (Local Member)  
Mr Arwel Thomas, Mr Edward Thomas, Mrs Jean Thomas, Mr Richard Poole and Mrs Sandra Poole – local consultees

The Licensing Manager highlighted that the Chairman had suggested a site visit as he was not familiar with the area. To facilitate the procedure, an application was made to circulate images of the café (from Google Street Scene) for the benefit of the Sub-committee. The applicant agreed for the images to be circulated but stated that the site had changed quite a lot since the photograph was taken.

The correct translations of observations made by the Local Member, the Community Clerk and one of the objectors were presented. These observations had originally been submitted in Welsh, but the translations of those observations included in the programme had been inaccurate. The applicant was given the opportunity to read the translations.

**a)       The report and recommendation of the Licensing Department.**

The report of the Licensing Manager was submitted which detailed an application for a premises license for supplying alcohol to customers at a premises that already operated as a café, seven days a week in summer and on weekends only in winter. The proposal to offer to sell alcohol for drinking off the premises and to play background radio music during opening hours (inside and out) was highlighted. It was noted that the café was currently open until 5pm, but the intention was to remain open until 10pm on Friday and Saturday nights with alcohol sales until 9:30pm. It was reiterated that the applicant also considered showing sporting events occasionally

Attention was drawn to the details of the licensed activities and the proposed hours in the report. It was noted that Licensing Authority officers had sufficient evidence that the application

had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that 24 e-mails / letters had been received objecting to the application based on the four licensing objectives. Attention was drawn to the applicants response to the objectors concerns and to the conditions that would be incorporated into the licence, if the application were granted.

In considering the application, the following procedure was followed:

- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to present their observations
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

- b) In response to a question by the Sub-committee and in response to several concerns, the Licensing Manager noted that a condition would be imposed on the licence, if it were approved, for the licence holder to provide enough customer toilets at times when open to the public.
- c) In expanding on the application, the applicant noted that he was happy with what had been presented. He referred to a letter he had submitted in response to concerns that included possible options for providing toilets.

He reiterated the following observations:

- He had no intention of running the café as a pub or as a late night drinking facility
- The application for extending the hours was for Friday and Saturday nights only
- The facility would also open late for community or private functions
- The intention was to play background music only - no consideration had been given to anything other than that
- He had highlighted possible options for a toilet provision. He accepted that it was not possible to run such a business without toilets, but he expressed concern about the officers' recommendations since a precedent had been set with a café in Harlech and a café in Barmouth that operated without toilets.

In response to a question about CCTV, he noted that he had live streaming at the café which was run off you-tube for marketing purposes only. It was not a resource that recorded events / movements. He stated that the resource was no longer available and that he was seeking a different agency to carry out the work. He stated that he had requested that the words 'cctv' be removed from the application.

- ch) The consultees in attendance took the opportunity to expand on their objections to approving the licence and reiterated observations submitted by letter.
- That the sea's current by Llandanwg beach was strong and dangerous for bathers. Despite the signs, visitors were not aware of the dangers. Public safety was paramount.
  - Concern that the applicant did not live at the property. Suggestion that this would lead to a situation that lacked control. A manager would have to be at the property

- Selling alcohol at the café would change the character of the place. The café, as it was, was run well; it was busy and popular with families
- Llandanwg Beach was a unique area of peace and tranquility
- The location was not suitable for selling alcohol. Clear dangers arose with the introduction of alcohol
- Approving the licence would lead to an increase in mess and rubbish
- Approving would be an admittance of businesses taking precedence over local residents
- If any dispute were to arise as a result of the late nights, who would contact the Police?
- It was not possible to anticipate the change. The site could be spoilt and it would be difficult to recreate what existed
- If the licence were to be granted, this would disregard the tranquillity of the area, child and pet safety, the ancient history of Llandanwg.
- Neighbours of the café saw the application as a step too far that would have an effect on their privacy
- Alcohol could be drunk for a long time before food was consumed - this made it akin to a pub
- Lack of storage space. Likely that the alcohol would be kept in wooden sheds to the rear of the building. This was a delicate situation that would encourage theft.
- Lack of toilets a concern. These options for toilet provision were suggestions only - no enforcement. Providing portaloos was not acceptable.
- Off-site alcohol consumption was likely to create a situation where there was an increase in broken bottles and vandalism
- The café's neighbours and residents all objected to the application

d) In summarising his application, the applicant noted that a nearby restaurant had an alcohol licence and that this property, before its change of use into a restaurant, was a licensed shop. He reiterated that the Police had not received complaints and had not made any observations. He stated that a designated manager would be on site supervising the inside and outside of the building. He highlighted that a number of residents supported his application and if the enterprise were to fail, he would be unlikely to renew the licence.

e) In considering the application, the Licensing Officer's report was considered, in addition to the application form, the written comments that came to hand from the interested parties, and the verbal comments presented by all parties present at the hearing. The Sub-committee was also requested to consider the Council's Licensing Policy, Home Office guidance and the principles of the Licensing Act 2003.

Crime and Disorder

- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

**RESOLVED to approve the application subject to the the inclusion of proposed conditions on the licence:**

- **That the licence holder provide sufficient toilet arrangements for the customers, which would be available whilst the premises is open to the public.**
- **That recorded music not be played outside the premises**
- **No alcohol sales for drinking off the premises**

Specific consideration was given to the following comments and concerns:

The café did not have its own toilet facilities. It was accepted that allowing the sale of alcohol for the

proposed extended hours would put pressure on the nearby public toilet facilities. No evidence was submitted that approving the licence would put a strain on the public toilets and, since customers already used them, the situation seemed satisfactory. Nevertheless, if the public provision were to change the situation would be rather different and, therefore, in accordance with the recommendation of the licensing officers, the sub-committee was eager to ensure that a sufficient toilet provision was available.

It was noted that Llandanwg was a quiet area, and that people visited for the tranquillity and the Area of Special Scientific Interest close by. It was noted that the property was very close to dwellings and concern was expressed that noise from customers and the noise from music (being played outside the property) would disturb the peace. No evidence was presented that approving the licence to sell alcohol in itself would cause a noise problem and no evidence was submitted of problems and complaints in the past associated with the premises. Considering that the property was very close to residential property, the sub-committee believed that playing music outside the property was likely to affect the amenities of nearby residents. It was agreed to accept the licensing officers' recommendation that playing recorded music outside the property should not be permitted.

Concern was expressed that a licence to sell alcohol to be consumed off site would encourage people to take drinks onto the beach and dunes and would lead to the creation of mess and a likely increase in anti-social behaviour. These arguments were carefully considered since a lack of evidence of past problems and lack of observations from the Police about crime and disorder prevention. It was resolved, because of the specific nature of the property's location, i.e. its proximity to residential property, a public car park and public beach, that selling alcohol to be consumed off site would be likely to create problems with public safety and rubbish.

Concern was expressed that there would be an increase in traffic. The Sub-committee noted that the property already operated as a café and that there was no evidence to suggest that approving the licence would be likely to cause a substantial increase in the traffic.

The Solicitor reported that the decision would be confirmed formally by letter sent to everyone present. He also notified that they had the right to appeal the decision within 21 days of receiving the letter.

The meeting commenced at 10:00am and concluded at 11:50am.



---

## CENTRAL LICENSING SUB-COMMITTEE 17.07.18

---

**Present:** **Councillors:** Eryl Jones Williams (Chair), Angela Russell and Edgar Wyn Owen

**Officers:** Geraint Brython Edwards (Solicitor), Gwenan Mai Roberts (Licensing Manager), Rhian Jones (Licensing Officer) and Lowri H Evans (Member Support Officer).

1. **APOLOGIES**

None to note

2. **DECLARATION OF PERSONAL INTEREST**

None to note.

3. **URGENT ITEMS**

None to note

4. **APPLICATION FOR PREMISES LICENCE - Star Kebabs, Bangor**

**On behalf of the premises:** Mr Mehmet Kabadayi and his son Emre Kabadayi

**Others invited:** Mr Ian Williams (Anglesey and Gwynedd Licensing Co-ordinator, North Wales Police)  
PC2430 Dana Baxter

a) **The report and recommendation of the Licensing Department.**

Submitted – the report of the Licensing Manager giving details of the application to change the conditions of a licence in relation to door supervisors agreed by this Committee following a review of the licence in 2012 by North Wales Police. It was explained that the premises was licensed to sell late night refreshments, seven days a week, and currently this was conditional to having door supervisors, who were registered with the Security Industry Authority, present at the premises from 23.00 on Thursday, Friday and Saturday evenings until the premises closed, as well as on the Sunday evening before any Monday bank holiday.

It was noted that Licensing Authority officers had sufficient evidence that the application had been submitted in accordance with the requirements of the Licensing Act 2003 and the relevant regulations.

Reference was made to the measures recommended by the applicant to promote the licensing objectives along with the responses received during the consultation period.

It was noted that following the consultation period, a response had been received from North Wales Police. The Police did not object to the proposal to employ door supervisors from midnight onwards on weekends and on the Sunday evening prior to a Bank Holiday. However, the Police did not support the intention of the premises to open for an additional half an hour on a Thursday evening.

It was highlighted that the applicant had not given details of the need to have an additional half an hour on a Thursday evening on the application form.

In considering the application, the following procedure was followed:

- Members of the Sub-committee and the applicant were given the opportunity to ask questions of the Licensing Manager.
- The applicant was invited to expand on the application.
- Consultees were given an opportunity to present their observations
- The licensee, or his representative, was invited to respond to the observations.
- Members of the Sub-committee were given an opportunity to ask questions of the licensee.
- Members of the Sub-committee were given an opportunity to ask questions of the consultees.

- b) Elaborating on the application, the applicant confirmed that the application for an extension in the hours of late night refreshment on a Thursday evening was an error. Although he had sought to vary the opening hours on a Wednesday evening to 3:30am, the Chair highlighted that this was not a matter for discussion and if he needed to amend the licence hours then a new application would have to be submitted.

In the context of door supervisors, he explained that door supervisors were not required on a Thursday evening as the premises closed at midnight.

- c) Taking advantage of his right to speak, an officer from the Police confirmed that he did not object to reducing the door supervisors' hours on a Thursday evening. He highlighted that there had been problems in the past where sufficient evidence was submitted to justify a review of the premises licence with additional conditions in relation to CCTV and door supervisors. In submitting their application for a review, the Police had evidence of 18 cases of crime and disorder associated with the premises late at night. It was noted that in September 2012 the Police had prosecuted the licence holder for operating beyond the licensed activity hours.

It was highlighted, in an application from the applicant to vary the licence in March 2013, that the Police had noted that the additional conditions, in relation to CCTV and door supervisors, had been extremely effective and ensured that the premises complied with the Licensing Objectives, although recently the applicant had failed to share evidence from the CCTV system. It was explained that there were problems with downloading data and it was stressed that the applicant's responsibility was to provide information at the request of the Police or Licensing Officers. It was highlighted clearly in the licence's conditions that pictures had to be stored for at least 31 days.

- ch) In considering the application, the Licensing Officer's report was considered, in addition to the application form, the written comments that came to hand from the interested parties, and the verbal comments presented by all parties present at the hearing. The Sub-committee also considered the Council's Licensing Policy, Home Office guidance and the principles of the Licensing Act 2003.

- Crime and Disorder
- Public Safety
- Preventing Public Nuisance
- Protection of Children from Harm

**RESOLVED to approve the application for a variation as amended.**

**The licence was varied as follows:**

- 1. The premises will not be required to provide a door supervisor registered with the Security Industry Authority (SIA) on a Thursday.**
- 2. The premises will provide a door supervisor registered with the Security Industry Authority (SIA) from 00:00 until closing time on a Friday and Saturday evening, as well as a Sunday evening before a Bank Holiday.**

Specific consideration was given to the following matters.

There were three sections to the applicant's original application form:

1. Extension of time in relation to the provision of late night refreshments on a Thursday evening to 03:30.
2. Variation in order that the premises will not be required to provide a door supervisor registered with the Security Industry Authority (SIA) on a Thursday.
3. Variation in order that there is the provision of a door supervisor registered with the Security Industry Authority (SIA) on Friday and Saturday evenings and on a Sunday evening before a Bank Holiday.

At the hearing the applicant confirmed that the application for an extension in the hours of late night refreshment on a Thursday evening was an error. In the circumstances, this section of the application was withdrawn and the Sub-committee did not give it any further consideration. However, it was also highlighted that the Sub-committee could not have considered this section of the application or any application to extend the hours under an application for a variation under section 35 of the Licensing Act 2003, as such an application would be unlawful under section 36(3) of the said Act.

As a result of the explanation that there was no application to extend the hours on a Thursday, and as a result of confirmation from the Police that there was no objection to the remainder of the application, the Sub-committee was satisfied that the application was in keeping with the licensing objectives.

The meeting commenced at 2.10pm and concluded at 3.10pm.

# Agenda Item 6

<b>COMMITTEE:</b>	<b>CENTRAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>10 SEPTEMBER 2018</b>
<b>TITLE:</b>	<b>STATEMENT OF GAMBLING POLICY 2018</b>
<b>PURPOSE:</b>	<b>FOR DECISION</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

## 1. PURPOSE

- 1.1 The purpose of this report is to present the Statement of Gambling Policy which has already been approved subject to conducting an Equality Impact Assessment. The full draft consultation was to be considered and approved following the public consultation in accordance with the 2005 Gambling Act. See the policy in Appendix 1 of this report.
- 1.2 You will recall that this Committee, at its meeting on 11th September 2017, received confirmation that no representations had been received in response to the public consultation on the draft policy conducted for 12 weeks over the Summer in 2017.
- 1.3 It was reported at a meeting of this Committee on 11 December 2017, that research on the impact of gambling on public health published in October 2017 was considered as relevant evidence for the Equality Impact Assessment on the Policy.
- 1.4 Following the December meeting, it was resolved that the Equality Impact Assessment would be submitted to this Committee for approval, on its contents and the policy prior to consideration by the full Council for final approval in accordance with Section 154 of the Gambling Act 2005. See the equality impact assessment in Appendix 2.

## 2. FINDINGS OF THE EQUALITY IMPACT ASSESSMENT

- 2.1 An assessment was conducted of all the relevant evidence available. It was concluded that it was not anticipated that the Statement of Gambling Policy would have a significantly negative or positive impact on any of the groups protected by the Equality Act, equality characteristics, or the general duty under the Act.
- 2.2 It was noted that the Gambling Commission had drafted specific guidance for Licensing Authorities that meant that the equality characteristics of citizens had to be considered when drafting Policies under the Gambling Act 2005.
- 2.3 Furthermore, it was noted that the Licensing Authority should give attention to equality characteristics when determining applications for a gambling premises licence.
- 2.4 It is noted that the Act and the policy place a responsibility on gambling licence operators to undertake a local risk assessment to identify any

nearby sensitive establishments such as schools, centres for vulnerable adults and residential areas.

- 2.3 It is important to note that currently there is a lack of evidence in the field to prove if gambling policies have an impact on the population. The Gambling Commission has recently published a briefing paper that summarises the current position in terms of evidence of harm associated with gambling practices.

### 3. **RECOMMENDATION**

- 3.1 The Committee is asked to consider the Statement of Gambling Policy and the Equality Impact Assessment in accordance with the Gambling Act 2005 and approve it for adoption by the full Council.

# Statement of Gambling Policy

GAMBLING ACT 2005  
2018 – 2021



# CONTENTS

<b>1.</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Background .....	1
1.2	Geography of Gwynedd Council.....	2
1.3	Consultation Process .....	2
<b>2.</b>	<b>Scope and Extent .....</b>	<b>3</b>
<b>3.</b>	<b>Licensing Objectives .....</b>	<b>5</b>
3.1	Objective 1: Preventing Gambling from being a source of Crime and Disorder 5	
3.2	Objective 2: Ensuring that Gambling is conducted in a Fair and Open Way .....	6
3.3	Objective 3: Protecting Children and other Vulnerable Persons.....	6
<b>4.</b>	<b>Legislation and Policies .....</b>	<b>7</b>
4.1	Legislation .....	7
4.2	Planning and Building Control .....	7
<b>5.</b>	<b>Delegation, Licensing Committee and Decision Making .....</b>	<b>9</b>
5.1	Delegation .....	9
5.2	Licensing Committee .....	9
5.3	Decision Making .....	11
<b>6.</b>	<b>General Principles.....</b>	<b>12</b>
6.1	Competent Authority for protection of children from harm .....	12
6.2	Interested Parties.....	13
6.3	Exchange of Information .....	13
6.4	Inspection and Criminal Proceedings .....	14
<b>7.</b>	<b>Licensing Process .....</b>	<b>16</b>
7.1	Applications.....	16
7.2	Mediation.....	17
7.3	Conditions .....	18
7.4	Reviews .....	18
<b>8.</b>	<b>Local Standards .....</b>	<b>20</b>
8.1	Premises Licences.....	20
8.2	Notices .....	23
8.3	Permits .....	24

8.4	Registrations .....	26
8.5	Local Risk Assessments .....	27
<b>9.</b>	<b>Complaints against Licensed Premises .....</b>	<b>28</b>
<b>10.</b>	<b>Further Information .....</b>	<b>29</b>
10.1	Gaming Machines.....	29
10.2	Licensing Register .....	30
10.3	Database of Premises Records .....	30
<b>Appendix A: Local Area Profile of Gwynedd .....</b>		<b>31</b>
<b>Appendix B: Glossary of Terms .....</b>		<b>37</b>
<b>Appendix C: Delegation of Decision Making .....</b>		<b>41</b>
<b>Appendix D: Gaming Machine Summary .....</b>		<b>42</b>



---

# 1. INTRODUCTION

## 1.1 BACKGROUND

- 1.1.1 Under the provisions of the Gambling Act 2005, Gwynedd Council is the **Licensing Authority** (and is referred to in this document as “the licensing authority”) responsible for granting gambling Premises Licences, Notices, Permits and Registrations in the county of Gwynedd.
- 1.1.2 The Gambling Act 2003 (“the Act”) requires a licensing authority to prepare and publish a statement of licensing policy (“the policy”) at least every three years. This policy is made under Section 349 of the Act and in accordance with the ‘Guidance to Local Authorities’ issued by the Gambling Commission under Section 25 of the Act (“the Guidance”).
- 1.1.3 The licensing authority is bound by the Act and any regulations made under the Act. The licensing authority must have regard to the Guidance and the Licence Conditions and Codes of Practice (LCCP) issued by the Gambling Commission (Section 153). If it considers it appropriate, the licensing authority may depart from the Guidance if they have good reason to do so and can provide full reasons.
- 1.1.4 The policy was adopted by Gwynedd Council on **XXXX 2018** having considered the comments received from those consulted. The policy becomes effective from this date and will remain in force until a statutory or other review and consultation process is deemed necessary. The licensing authority will keep the policy under review, making any amendments it considers appropriate to support the licensing objectives. Any amendments will be published in the form of a new policy statement or, if appropriate, by publishing the amendment.
- 1.1.5 The policy will normally apply to any application determined after the date that the licensing authority resolved to make these policies operational, irrespective of the date on which the application was made.
- 1.1.6 Key policy principles are presented in shaded boxes.
- 1.1.7 The Appendices are to be read in conjunction with this policy however they do not form part of the policy and may be updated at any time.

## 1.2 GEOGRAPHY OF GWYNEDD COUNCIL

- 1.2.1 The county of Gwynedd lies in North West Wales, has a population of over 122,000 residents and a land area of 2548 sq.km. It has 301km of coastline and is home to the biggest mountain in England and Wales, Snowdon at 3,560ft. Much of its area falls within the Snowdonia National Park, reflecting the physical beauty of the area. A map and profile of the area is available in [Appendix A](#).
- 1.2.2 The leisure and tourism industry in Gwynedd is a major contributor to the local economy. Gwynedd attracts over 7 million tourists and visitors per year.
- 1.2.3 Gwynedd has over 250 premises authorised by a premises licence, notice or permit under the Gambling Act 2005.

## 1.3 CONSULTATION PROCESS

- 1.3.1 The draft Statement of Licensing Policy was subject to formal consultation with:
- North Wales Police Service;
  - North Wales Fire & Rescue Service;
  - Representatives of the holders of the various licences for premises in the District who will be affected by this policy;
  - Persons and businesses likely to be affected by authorised gambling within the District
- 1.3.2 The draft Statement of Licensing Policy was also advertised and made available for inspection on the licensing authority website, and in council offices and libraries for a period of 12 weeks in accordance with the requirements of the Act.
- 1.3.3 The licensing authority, giving full regard to the Guidance, gave appropriate weight to the views of those consulted. In determining what weight to give particular representations, the licensing authority took into account:
- who made the representation (what is their expertise or interest)
  - how many other people have expressed the same or similar views
  - how far the representations relate to matters that the licensing authority should be including in the policy statement.

## 2. SCOPE AND EXTENT

2.0.1 The purpose of this statement of licensing policy is to set out the principles the licensing authority will apply when exercising its licensing function, i.e. when regulating the gambling activities within the terms of the Act. Reference will be made to the Act for ease of understanding however it is not intended to be a simplified summary of the law.

2.0.2 The Act defines **Gambling** as:-

2.0.3 **Gaming** - means playing a 'game of chance' for a prize. A 'game of chance' includes a game that involves both an element of chance and skill, a game that involves an element of chance that can be eliminated by superlative skill, and a game that is presented as involving an element of chance, but does not include a sport.

2.0.4 **Betting** – means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not.

2.0.5 **Taking part in a lottery** – means paying in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

A full glossary of the terms used in the Act and in this policy can be found in **Appendix B**.

2.0.6 It is a criminal offence under Section 33 of the Act to provide facilities for Gambling unless an exception is provided for under the Act.

2.0.7 The **types of authorisation** the Act requires the licensing authority to regulate are:-

- Premises Licences
- Temporary Use Notices
- Occasional Use Notices
- Permits as required under the Act; and
- Registrations as required under the Act.

2.0.8 This policy relates to all premises licences, notices, permits and registrations identified as falling within the provisions of the Act, namely: -

- Premises Licences
  - Casinos;
  - Bingo Premises;
  - Betting Premises;
  - Tracks (*site where races or other sporting events take place*);
  - Adult Gaming Centres;
  - Licensed Family Entertainment Centres;

- Notices
  - Temporary Use Notices
  - Occasional Use Notices
- Permits
  - Family Entertainment Centre Gaming Machine Permits;
  - Club Gaming Permits;
  - Club Gaming Machine Permits;
  - Alcohol licensed premises Gaming Machine Permits;
  - Prize Gaming Permits;
- Registrations
  - Registrations of Small Society lotteries.

## 3. LICENSING OBJECTIVES

3.0.1 When exercising its functions under the Act the licensing authority must seek to promote the three **licensing objectives** contained in the Act. The three objectives are:

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

### 3.1 OBJECTIVE 1: PREVENTING GAMBLING FROM BEING A SOURCE OF CRIME AND DISORDER

3.1.1 The licensing authority will, when determining applications, consider whether the grant of a premises licence will result in an increase in crime and disorder.

3.1.2 The Guidance for local authorities notes that “disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it.” The licensing authority agrees with this statement.

3.1.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the licensing authority Licensing Officers and/or the North Wales Police before making a formal application.

3.1.4 In considering licence applications, the licensing authority will particularly 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.

## 3.2 OBJECTIVE 2: ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY

- 3.2.1 Generally, the Commission would not expect licensing 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 subject to the Operating Licence, or will be in relation to the suitability and actions of an individual and therefore subject to the Personal Licence, both of which are the responsibility of the Gambling Commission.

## 3.3 OBJECTIVE 3: PROTECTING CHILDREN AND OTHER VULNERABLE PERSONS

- 3.3.1 With limited exceptions, the access of children and young persons to licensed gambling premises, which are adult only environments, will not be permitted.

3.3.2 The licensing authority will seek to limit the 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.

3.3.3 The licensing authority will consult with the Social Services Department on any application that indicates there may be concerns over access for children or vulnerable persons.

3.3.4 The licensing authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include such requirements as:

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

- 3.3.5 The 2005 Act provides for a Code of Practice on access to casino premises by children and young persons and the licensing authority will work closely with the police to ensure the appropriate enforcement of the law.

3.3.6 The licensing authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children but it will assume, for regulatory purposes, that '**vulnerable persons**' includes :

- people who gamble more than they want to;
- people who gamble beyond their means; and
- people who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

---

## 4. LEGISLATION AND POLICIES

### 4.1 LEGISLATION

4.1.1 In undertaking its licensing function under the Gambling Act 2005, the licensing authority will use a full range of measures including its planning controls and be mindful of legislation, strategies and policies which may impact on the promotion of the licensing objectives. These include:-

- Equalities Act 2010
- Section 17 of the Crime and Disorder Act 1988;
- Human Rights Act 1998;
- Health and Safety at Work etc. Act 1974;
- Environmental Protection Act 1990;
- The Anti-social Behaviour Act 2003;
- Race Relations Act, 1976 (as amended)
- The Licensing Act 2003
- Regulatory Return (Fire Safety) Order 2005
- The Regulators' Compliance code
- Gwynedd Council's Public Protection Service Enforcement Policy
- Gwynedd Council's Strategic Equality Scheme

However, the policy is not intended to duplicate existing legislation and regulation regimes that already place obligations on employers and operators.

### 4.2 PLANNING AND BUILDING CONTROL

4.2.1 Planning, building control and licensing regimes are properly separated to avoid duplication and inefficiency. They involve consideration of different, although related matters.

4.2.2 There are two Local Planning Authorities with statutory planning responsibilities within the county of Gwynedd, namely:

**Gwynedd Council** – which operates within the areas of Arfon, Dwyfor and Meirionnydd that fall outside the Snowdonia National Park.

**Snowdonia National Park** - which is an independent Planning Authority and responsible for the whole area falling within its boundaries.

4.2.3 Gwynedd Council's planning policies are set out in the 'Gwynedd Unitary Development Plan' and 'Supplementary Planning Guidance'. The Snowdonia National Park planning policies are set out in the 'Eryri Local Development Plan' and 'Supplementary Planning Guidance'.

- 4.2.4 The two Planning Authorities work together during the preparation of their respective plans to:
- develop complementary and compatible policies,
  - ensure effective and sustainable long term planning, and
  - optimise economic, social and environmental benefits.
- 4.2.5 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use, for example may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by an applicant for a premises licence need to be considered when the application is made.

4.2.6 The licensing authority will normally expect that prior to the submission of a licensing application, the appropriate planning permission will have been granted in respect of any premises. However, applications for licences may be made before any relevant planning permission has been sought or granted.

4.2.7 The authority will also normally expect the activity to be authorised by the licence to be a lawful planning use and that any operating hours sought do not exceed those, if any, authorised by the planning permission.

4.2.8 Operating hours granted within the licensing process do not replace any restrictions imposed as a planning condition. Planning conditions will be addressed through the planning process.



# 5. DELEGATION, LICENSING COMMITTEE AND DECISION MAKING

## 5.1 DELEGATION

5.1.1 The licensing authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them. Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a Sub Committee to deal with them.

5.1.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, for example, those licences and permits where no representations have been made, will be delegated to Council Officers.

5.1.3 The licensing authority will delegate licensing matters to be dealt with by the Central Licensing Sub-Committee and to Officers in accordance with the latest recommended Delegation of Functions specified in guidance issued by the Secretary of State, under Section 182 of the Act. The table shown at **Appendix C** sets out the current agreed delegation of decisions and functions to Licensing Committee, Panels and Officers.

5.1.4 This form of delegation is without prejudice to Officers referring an application to a Panel, a Panel to Full Committee, or Committee to Full Council, if appropriate.

## 5.2 LICENSING COMMITTEE

5.2.1 The Act provides that the functions of the licensing authority, including its determinations are to be carried out by its licensing committee. At Gwynedd Council this committee is referred to as the **Central Licensing Committee** and contains 15 members.

5.2.2 The licensing committee may delegate these functions to sub-committees or in appropriate cases, to officials supporting the licensing authority.

- 5.2.3 The Central Licensing Committee of Gwynedd Council have appointed a **Central Licensing Sub-Committee** to deal with
- Applications where there are relevant representations
  - Applications to review premises licence
  - Applications for club gaming/club machine permits where there are relevant representations
  - Decision to give a counter notice to a Temporary Use Notice.

5.2.4 The Sub-Committee contains 3 members who will sit to hear applications where representations have been received from interested parties and responsible authorities. Ward councillors will not sit on a sub-committee involving an application within their ward.

5.2.5 Where a councillor who is a member of the **Central Licensing Committee** is making or has made representations regarding a licence on behalf of an interested party, in the interests of good governance they will disqualify themselves from any involvement in the decision-making process affecting the licence in question.

5.2.6 The Central Licensing Sub-Committee will refer to the Central Licensing Committee any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

5.2.7 The Central Licensing Committee will refer to the full Council any matter it is unable to deal with because of the number of its members who are unable to take part in the consideration or discussion of any matter or vote on any question with respect to it.

## 5.3 DECISION MAKING

- 5.3.1 Every determination of a licensing decision by the Central Licensing Committee or Sub-committee shall be accompanied with clear, cogent reasons for the decision. The decision and the reasons for that decision will be sent to the Applicant and those who have made relevant representations as soon as practicable.
- 5.3.2 A summary of the decision shall be posted on the Council's website as soon as possible after the decision has been confirmed, where it will form part of the statutory licensing register required to be kept by the licensing authority.
- 5.3.3 The Council's licensing officers will deal with all other licence applications where either no representation have been received, or where representations have been received and it is agreed by the parties that a hearing is not necessary.
- 5.3.4 Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Council officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the licensing committee or panels. Where representations are rejected written reasons as to why that is the case will be given.
- 5.3.5 In order to avoid duplication with other statutory regimes as far as possible the licensing authority will not attach conditions to a licence unless they are considered necessary for the promotion of the licensing objectives. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.

---

## 6. GENERAL PRINCIPLES

- 6.0.1 Nothing in this 'Statement of Policy' will:
- Undermine the rights of any person to apply under the Act for a variety of permissions and have the application considered on its individual merits; OR
  - Override the right of any person to make representations on any application or seek a review of a licence or permit where they are permitted to do so under the Act.
- 6.0.2 The licensing authority, in undertaking its licensing function, will have due regard to the need to eliminate unlawful discrimination and to promote equality and good relations between persons of different racial groups.
- 6.0.3 The licensing authority shall aim to permit the use of premises for gambling in so far as they think it is
- In accordance with any relevant code of practice under Section 24 of the Act;
  - In accordance with any relevant guidance issued by the Commission;
  - Reasonably consistent with the licensing objectives
  - In accordance with the licensing authority's statement of licensing policy.
- 6.0.4 Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Act.

### 6.1 COMPETENT AUTHORITY FOR PROTECTION OF CHILDREN FROM HARM

- 6.1.1 The licensing authority, designates the Social Services Department of Gwynedd Council as the competent authority to provide advice on the protection of children from harm given the wealth of specialist knowledge and expertise to hand to fulfil this role.
- 6.1.2 The Act indicates each licensing authority must nominate a single body to undertake this function but it may be prudent for the licensing authority to involve other organisations if it believes it is right to do so for the prevention of their physical, moral or psychological harm, especially where it receives representations to that effect.

## 6.2 INTERESTED PARTIES

- 6.2.1 For the purposes of the Gambling Act 2005, a person is an interested party in relation to a premises licence if, in the opinion of the licensing authority which issues the licence or to which the application is made, the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - Has business interests that might be affected by the authorised activities; this could also include, for example, trade associations, charities, faith groups and medical practices.
  - Represents persons who satisfy either of the above; for example Residents' and Tenants' Associations.
- 6.2.2 When considering whether a person is an interested party, each case will be judged on its merits taking into consideration the relevant circumstances, including those contained in the Guidance to local authorities.
- 6.2.3 Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premise under consideration, puts themselves forward as representing the interests of residents in the vicinity, the licensing authority will normally ask them to provide evidence that they are acting as representatives of others.

## 6.3 EXCHANGE OF INFORMATION

- 6.3.1 In fulfilling its functions and obligations under the Gambling Act 2005 the licensing authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information the licensing authority will conform to the requirements of the Gambling Act, Data Protection and Freedom of Information legislation in accordance with the Council's existing policies.
- 6.3.2 Contact details of those persons making representations and details of the representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representation or applying for a review of a premises licence will be informed that these details will be disclosed.

## 6.4 INSPECTION AND CRIMINAL PROCEEDINGS

- 6.4.1 The licensing authority will be guided by the Gambling Commission's Guidance and will endeavour to be:
- **Proportional:** regulators will only intervene when necessary; remedies will be appropriate to the risk posed and costs identified and minimized.
  - **Accountable:** regulators will be able to justify decisions and be subject to public scrutiny.
  - **Consistent:** rules and standards will be joined up and implemented fairly.
  - **Transparent:** regulators will be open and endeavour to keep regulations simple and user friendly;
  - **Targeted:** regulation will be focused on the problem and minimize side effects.
- 6.4.2 The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 6.4.3 The licensing authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:
- Planning controls;
  - Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments;
  - Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
  - The power of the police, other responsible authorities or a local resident or business to seek a review of the licence.
- 6.4.4 This licensing authority has adopted a risk based inspection programme, i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.
- 6.4.5 When determining risk, consideration will be given to :-
- the nature of the gambling activities carried out on the premises
  - the location of the premises in relation to schools etc.
  - the procedures put in place by the management to meet the licensing objectives.
- 6.4.6 The licensing authority will make arrangements to monitor premises, undertake inspections and take appropriate enforcement is deems necessary to support and promote the licensing objectives or following receipt of complaint. The district will be monitored for unlicensed premises.

6.4.7 The licensing authority will seek to work actively with the police in enforcing licensing legislation. It encourages the police to share information about licensees and licensed premises under the Crime and Disorder Act 1998.

6.4.8 In general terms, action will only be taken in accordance with the Public Protection Service Enforcement Policy. To this end the key principles of consistency, transparency and proportionality will be maintained.

6.4.9 Where conditions have been imposed on a licence, an authorised person of the licensing authority may inspect the premises at any reasonable time for the purpose of checking that those conditions are being complied with.

6.4.10 The licensing authority will consider issuing a written informal warning to a licence holders specifying recommended improvement within a particular period of time if it deems necessary to support and promote the licensing objectives.

---

## 7. LICENSING PROCESS

- 7.0.1 **Applicants are advised that the application process for each type of authorisation or permission is set out in detail in the Act, the Regulations and the Guidance.**
- 7.0.2 Applications must be made on the prescribed or local form, and be accompanied by a fee. All prescribed forms and notices can be downloaded from the Commission's website [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk).
- 7.0.3 All local application forms are available in both the Welsh and English language, and are available to download from the licensing authority's website. A request for an application form may also be made directly to the licensing authority via telephone 01766 766000.
- 7.0.4 Applicants may submit applications electronically to the licensing authority by hardcopy or via email to [Licensing@gwynedd.gov.uk](mailto:Licensing@gwynedd.gov.uk).

### 7.1 APPLICATIONS

- 7.1.1 The starting point in determining applications will be to grant the application, without conditions.
- 7.1.2 Conditions will only be considered where they are needed to meet the requirements of the licensing objectives and any conditions applied will not be overly onerous and will be proportionate to the scale of the application and the 'risks' involved. Conditions will generally be considered unnecessary if they are already adequately covered by other legislation.
- 7.1.3 When determining an application to grant a premises licence or whether to review a premises licence, regard will be given to
- the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children, and
  - the size and scope of the gambling premises concerned.
- 7.1.4 **Each case will be determined on its own merits.** Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.



- 7.1.5 Where there are no **relevant representations** from Responsible Authorities or Interested Parties to an application the licence will be granted provided that the application is made in accordance with the requirements of the Act. For representations to be relevant they must
- relate to the promotion of one of the three licensing objectives;
  - be made by a responsible authority or interested party within the prescribed period;
  - not been withdrawn; and
  - they are not, in the opinion of the relevant licensing authority, frivolous or vexatious.
- 7.1.6 Where relevant representations on an application are received and the application has been made in accordance with the requirements of the Act, any non-compliance with other statutory requirements may be taken into account in reaching a decision about whether to grant a licence.

## 7.2 MEDIATION

- 7.2.1 Where a relevant representation concerning the licensing objectives is made by a responsible authorities or interested party, the licensing section will decide whether the representation is relevant.
- 7.2.2 Where the licensing authority find the representation to be relevant it may recommend a **mediation meeting** to address and clarify the issues of concern.
- 7.2.3 This process will not override the right of an applicant or interested party to decline to participate in a mediation meeting.
- 7.2.4 If this informal process is unsuccessful a hearing before the licensing committee or sub-committee will follow. All relevant parties will be notified.
- 7.2.5 The determination of the application will be made by the licensing committee or sub-committee and the details of that decision will be circulated to the parties concerned.

## 7.3 CONDITIONS

- 7.3.1 The Act and regulations provide for specific conditions to be attached to a Premises Licence as either “**mandatory**” or “**default**” conditions.
- 7.3.2 Section 169 of the Act gives licensing authorities the power to impose default conditions on premises licences that they issue.
- 7.3.3 When considering any conditions to be attached to licences, the licensing authority will consider the local circumstances and risks associated with specific premises or class of premises, which might give rise to the need for conditions.

7.3.4 The licensing authority will not impose any conditions unless its discretion has been engaged following the making of a relevant representation and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It will then only impose such conditions which are appropriate and proportionate to promote the licensing objectives arising out of the consideration of the representations.

- 7.3.5 Conditions on premises licences will relate only to gambling, as considered appropriate in light of the following principles:
- Must be proportionate to the circumstance which they are seeking to address;
  - Should be relevant to the need to make the proposed building suitable as a gambling facility;
  - Should be directly related to the premises (including the locality and any identified local risks) and the type of licence applied for;
  - Should be fairly and reasonably related to the scale and type of premises;
  - Should be reasonable in all other respects.

## 7.4 REVIEWS

- 7.4.1 At any time following the grant of a premises licence a **responsible authority** or any **interested party** may ask the licensing authority to review the premises licence because of a matter arising at the premises in connection with any of the three licensing objectives.
- 7.4.2 The review process represents a key protection for the community where problems associated with the licensing objectives occur at a premises.
- 7.4.3 In every case, an application for a review must relate to a particular premises and **must be relevant to the promotion of one or more of the licensing objectives.**

- 7.4.4 Grounds for a review may be that activities, including the following, are taking place at the premises:
- Use of licensed premises for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crimes;
  - Use of licensed premises for the sale and distribution of illegal firearms;
  - Use of licensed premises for prostitution or the sale of unlawful pornography;
  - Use of licensed premises as a base for organised criminal activity;
  - Use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
  - Use of licensed premises for the sale of smuggled tobacco or goods;
  - The use of licensed premises for the sale of stolen goods.
  - Children and/or vulnerable persons are put at risk.

7.4.5 The licensing authority will reject an application for a review if the applicant fails to provide supporting information and documents that one or more of the licensing objectives are not being met or if the reason for the review does not relate to the licensing objectives.

- 7.4.6 The licensing authority will also reject an application for a review if
- the grounds are frivolous;
  - the grounds are vexatious;
  - the grounds are irrelevant;
  - the grounds will not cause the Council to revoke or suspend a licence or to remove or attach conditions on the Premises Licence;
  - the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
  - the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

7.4.7 The licensing authority considers it good practice for all responsible authorities that have concerns about problems identified at premises to give licence holders early warning of their concern and the need for improvement, and where possible they should advise the licence holder of the steps they need to take to address those concerns.

## INITIATION OF REVIEW BY LICENSING AUTHORITY

7.4.8 A Premises Licence may also be reviewed by the licensing authority on its own volition.

7.4.9 Prior to discharging its power to initiate a review, the licensing authority will attempt to have constructive discussions with the operators about any concerns and may ask the operator to provide the licensing authority with its own **risk assessment** which sets out the controls it has put in place to mitigate risks.

## 8. LOCAL STANDARDS

### 8.1 PREMISES LICENCES

8.1.1 Premises Licences can authorise the provision of gambling facilities on

- Casinos;
- Bingo Premises;
- Betting Premises, including Tracks;
- Adult Gaming Centres (AGC); and
- Family Entertainment Centres.

By distinguishing between premises types, the Act makes it clear that gambling activity of the premises should be linked to the premises described. **The Act does not permit premises to be licensed for more than one of the above activities.**

8.1.1 An application for a Premises Licence can only be made by persons (which includes companies or partnerships):

- Who are aged 18 or over, **and**
- Who have the right to occupy the premises and
- Who have an Operating Licence authorising him to carry out the proposed activity **OR** who have applied for an Operating Licence to allow them to carry out the proposed activity.

**The premises licence cannot be determined until an operating licence has been issued.**

8.1.2 The exception to this is an applicant for a premises licence to allow a track to be used for betting, as these applicants are not required to hold an operating licence if they merely provide space for other people to provide betting (and those other people hold valid betting operating licences).

8.1.3 The licensing authority strongly encourages applicants to discuss proposed applications with a licensing officer and responsible authorities at an early stage and prior to the submission of the application itself. This should identify potential problems and help to build good partnership working. It may also reduce the need for a hearing at a later stage.

8.1.4 Applicants are encouraged to make themselves aware of any relevant planning and transport policies, tourism and cultural strategies and local crime and disorder strategies, and to take these into account, where appropriate, in the formulation of their operating schedules.

8.1.5	The licensing authority will expect all applicants to specify the methods by which they will promote the three licensing objectives in their operating schedules, having regard to the type of premises, the licensable activity proposed, the operational procedures, the nature of the location and the needs of the local community.
8.1.6	The authority considers that a well-drawn, specific operating schedule indicates that an applicant understands and is prepared to meet the responsibilities of a licence holder under the Act.
8.1.7	The authority considers that a blank or sparsely completed operating schedule may give the impression that the applicant has given inadequate thought to the responsibilities of a licence holder.

8.1.9 Unmet demand is not a criterion that will be taken into consideration when determining an application for a premises licence under the Gambling Act 2005.

## CASINOS

8.1.10 There is no resolution to prohibit casinos in Gwynedd at present. However, the licensing authority reserves its right to review this situation and may, at some time in the future, resolve not to permit casinos. Currently there are no casinos operating within Gwynedd.

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

## BINGO PREMISES

8.1.12 Bingo is not given a statutory definition in the Act although two types of bingo are commonly understood:

- Cash bingo, where the stakes paid make up the cash prizes that are won
- Prize bingo, where various forms of prizes are won, not directly related to the stakes paid.

8.1.13 The licensing authority will attach mandatory and default conditions to all Bingo Premises licences.

## BETTING PREMISES

8.1.14 The licensing authority is responsible for issuing and monitoring premises licences for all betting premises.

8.1.15 The licensing authority will attach mandatory and default conditions to all Betting Premises licences.

## TRACKS

---

- 8.1.16 The Act does not give a list of premises that are officially recognised as ‘tracks’ but there are a number of venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of tracks include
- A horse racecourse
  - A greyhound track
  - A point-to-point horserace meeting
  - Football, cricket and rugby grounds
  - A golf course
  - Venues hosting darts, bowls or snooker tournaments.

8.1.17 The licensing authority will determine what constitutes a sporting event or race on a case by case basis.

## ADULT GAMING CENTRES (AGC)

---

8.1.18 Applicants for an Adult Gaming Centre Premises Licence must hold a ‘Gaming Machines General Operating Licence (Adult Gaming Centre)’ from the Gambling Commission before the premises licence can be determined.

8.1.19 The licensing authority will attach mandatory conditions to all AGC Premises licences.

## FAMILY ENTERTAINMENT CENTRES (FEC)

---

8.1.20 Applicants for a Family Entertainment Centre Premises Licence must hold a ‘Gaming Machines General Operating Licence (Family Entertainment Centre)’ from the Gambling Commission before the premises licence can be determined.

8.1.21 Licensed Family Entertainment Centres (FECs) are commonly located at seaside resorts, in airports and at motorway service stations, and cater for families, including unaccompanied children and young persons. They are permitted to make available category C and D gaming machines.

8.1.22 Children and young persons are not permitted to use category C machines and it is a requirement that there must be clear segregation between the types of machines so that persons under 18 years of age do not have access to them.

8.1.23 The licensing authority will take into account the policies and procedure proposed by the applicant to protect children and young persons when considering applications for FEC Premises licences .

8.1.24 The licensing authority will attach mandatory conditions to all FEC Premises licences.

## 8.2 NOTICES

### TEMPORARY USE NOTICES (TUN)

---

- 8.2.1 Temporary use notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a temporary use notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.
- 8.2.2 The licensing authority can only grant a temporary use notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.
- 8.2.3 There are a number of statutory limits as regards temporary use notices.

- 8.2.4 In considering whether a place falls within the definition of "a set of premises", the licensing authority will look at, amongst other things, the ownership/occupation and control of the premises.
- 8.2.5 This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the gambling commission's guidance to licensing authorities.

### OCCASIONAL USE NOTICES (OUN)

---

- 8.2.6 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## 8.3 PERMITS

- 8.3.1 Permits are designed as a light-touch approach to low level ancillary gambling. The permits regulate gambling and the use of gaming machines in specific premises.
- 8.3.2 The licensing authority are responsible for issuing
- Family Entertainment Centre Gaming Machine Permits;
  - Club Gaming Permits and Club Gaming Machine Permits;
  - Alcohol-licensed premises Gaming Machine Permits;
  - Prize Gaming Permits.
- 8.3.3 The licensing authority will grant or reject an application for a permit. **No conditions may be attached to a permit.**
- 8.3.4 In addition, the licensing authority are responsible for receiving notification from holder of alcohol licences under the Licensing Act 2003 that they intend to exercise their automatic entitlement to 2 gaming machines in their premises.
- 8.3.5 See **Appendix D** for further information regarding the categories of gaming machines allowed by permit and information regarding stakes and prize limits.

8.3.6 When determining applications for permits the licensing authority will consider any convictions held by the applicant that would make them unsuitable to operate the premises plus the suitability of the premises in relation to their location and issues about disorder.

### FAMILY ENTERTAINMENT CENTRE GAMING MACHINE PERMIT

- 8.3.7 Unlicensed Family Entertainment Centres are able to offer only category D machines on a gaming machine permit. Any number of category D machines can be made available.
- 8.3.8 An application for a permit can only be made by a person who occupies or plans to occupy the premises to be used as an unlicensed Family Entertainment Centre and, if the applicant is an individual, is aged over 18 years.
- 8.3.9 The permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed Family Entertainment Centre, and if the chief officer of police has been consulted on the application.

8.3.10 There is no prescribed application form for this permit however the licensing authority have created a **local application form** for this purpose. A plan for the unlicensed Family Entertainment Centre must be submitted with each application.





## CLUB GAMING PERMITS AND CLUB GAMING MACHINE PERMITS

---

- 8.3.11 The licensing authority may grant members clubs and miners' welfare institutes (but not commercial clubs) club gaming permits which authorise the provision of gaming machines, equal chance gaming and games of chance as prescribed in regulations.
- 8.3.12 If a members' club or minter'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 gaming machine permit using the prescribed form.
- 8.3.13 Holders of club gaming permits and club gaming machine permits are required to comply with the code of practice issued by the Gambling Comission on the location and operation of machines.

## ALCOHOL-LICENSED PREMISES GAMING MACHINE PERMITS

---

- 8.3.14 The licensing authority may issue holders of alcohol licences under the Licensing Act 2003 a gaming machine permit which permits any number of Category C or D machines in licensed premises.
- 8.3.15 The application must be made by the person that holds the alcohol premises licence issued under the Licensing Act 2003.
- 8.3.16 The licensing authority may vary the number and category of gaming machines authorised by the permit if it considers it necessary to promote the licensing objectives.
- 8.3.17 Holders of licensed premises gaming machine permits are required to comply with the code of practice issued by the Gambling Comission on the location and operation of machines.

8.3.18 There is no prescribed form for this permit however the licensing authority have created a **local application form** for this purpose.

## PRIZE GAMING PERMITS

---

- 8.3.19 The licensing authority may issue prize gaming permits to authorise the provision of facilities for gaming with prizes on specific premises.
- 8.3.20 The application must be made by the person who occupies or plans to occupy the premises and if the applicant is an individual, must be aged 18 or over.
- 8.3.21 Applicants are asked to set out the types of gaming that they are intending to offer in their application.

8.3.22 There is no prescribed form for this permit however the licensing authority have created a **local application form** for this purpose.

## 8.4 REGISTRATIONS

- 8.4.1 The Act denotes 'local authorities' as being responsible for registering societies to run **Small Society Lotteries**, as opposed to licensing authorities. In the interest of consistency, Gwynedd Council being the local authority defined under Section 25 of the Act will be referred to as the licensing authority in this document.
- 8.4.2 Applications for small society lottery registrations must be in the form prescribed and be accompanied by both the required registration fee and all necessary documents required by the licensing authority.
- 8.4.3 The licensing authority will require applicants to provide a copy of their terms and conditions and their constitution to establish that they are a non-commercial society.

## 8.5 LOCAL RISK ASSESSMENTS

8.5.1 The Gambling Commission's '**Licence Conditions and Codes of Practice**' (LCCP) formalise the need for operators to consider local risks.

8.5.2 The Social Responsibility code 10.1.1 requires all premises licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking a risk assessment, licensees must take into account the matters identified in this statement of policy.

8.5.3 A local risk assessment must be undertaken when applying for a new premises licence and must be updated

- When applying for a variation of a premises licence;
- To take account any significant changes in local risks;
- When there are significant changes at a licensee's premises that may affect their mitigation of local risks.

8.5.4 The licensing authority will expect every risk assessment to cover the following broad headings:

- Reference to any specific local risks
- How the operator proposes to mitigate these risks
- How the operator will monitor the risks

8.5.5 The **Local risks** identified by the licensing authority include, but are not restricted to:

- The proximity of the premises to sensitive establishments such as schools, vulnerable adult centres, or to residential areas with a high concentration of families with children.
- The nature of the gambling activities and category of gaming machines made available at the premises.
- Any age restrictions and segregation requirements at the premises necessary for the protection of children and young persons.
- The prevalence of vulnerable persons in the locality of the premises.

8.5.6 A **Local Area Profile of Gwynedd**, i.e. an assessment of the key characteristics of the area, has been prepared by the licensing authority and is available as **Appendix A**.

8.5.7 Although there is no statutory requirement on licensing authorities to prepare a local area profile, it has been prepared so that operators may have a better awareness of Gwynedd and its risks.

8.5.8 The licensing authority encourage all operators to consider the information provided in the 'Local Area Profile of Gwynedd' when preparing their local risk assessments.

---

## 9. COMPLAINTS AGAINST LICENSED PREMISES

- 9.0.1 The licensing authority will investigate complaints against licensed premises in relation to matters concerning the licensing objectives. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.
- 9.0.2 Where an interested party has made a complaint about licensed premises, or a valid application for a licence to be reviewed, the Council may initially recommend a conciliation meeting to address and clarify the issues of concern.
- 9.0.3 This process will not override the right of any interested party or for any licence holder to decline to participate in a conciliation meeting.
- 9.0.4 Due consideration will be given to all complaints unless they are considered to be frivolous, vexatious or repetitious.

---

# 10. FURTHER INFORMATION

## 10.1 GAMING MACHINES

- 10.1.1 The licensing authority notes that the term “Gaming Machine” covers all machines on which people can gamble and the term has only been preserved in the Act because it is one that is readily understood.
- 10.1.2 The definition of “gaming machines” is wider in the Gambling Act 2005 than those in previous gaming legislation and covers all types of gambling activities which can take place on a machine, including betting on virtual events.
- 10.1.3 It should be noted however that there still remains a distinction between skill machines and gaming machines plus important exemptions remain for certain equipment that is not considered a gaming machine, even when gambling can be performed on it, for example a home personal computer.
- 10.1.4 In order for a premises to site gaming machines an authorisation is normally required. Typically this is
- An operating licence from the Commission **and** a gambling premises licence from the licensing authority;
  - An alcohol premises licence, or
  - A gaming machine permit.
- 10.1.5 Where the licensing authority is concerned regarding the manufacture, supply, installation, maintenance or repair of game machines, or the manner in which they are operating will contact the Commission for guidance.
- 10.1.6 Regulations define four categories of gaming machine: categories A, B, C and D with category B divided into five further sub-categories. The maximum number of machines permitted varies according to the premises type.
- 10.1.7 There is no minimum age for players of Category D gaming machines however players of category A, B and C gaming machines must be aged 18 years or above.
- 10.1.8 See **Appendix D** for further information regarding machine categories and entitlements.

## 10.2 LICENSING REGISTER

- 10.2.1 Under the Act, every licensing authority is required to keep a **licensing register** containing
- a record of each premises licence, club premises certificate and personal licence issued by it,
  - a record of each temporary event notice received by it,
  - a record of every other applications made to it, notices given to it and any counter notice given by it, and
  - such other information as may be prescribed by regulations.
- 10.2.2 The information contained in the licensing register will be made available for inspection by the public during office hours, free of charge, and a copy of that information may be supplied on request (for a fee).
- 10.2.3 A summary of the information contained in the licensing register is available to view online at [www.gwynedd.gov.uk](http://www.gwynedd.gov.uk).

10.2.4 Any person wishing to view the licensing register in person should contact the licensing authority by email [Licensing@gwynedd.gov.uk](mailto:Licensing@gwynedd.gov.uk) or via telephone 01766 766000 to arrange an appointment.

10.2.5 To ensure that the information contained in the register is presented in an appropriate format, any person wishing to view the register in person will be requested to clarify which part of the register they wish to have available during the appointment.

## 10.3 DATABASE OF PREMISES RECORDS

- 10.3.1 A database of premises licences is available on the Commission's website and consists of information submitted by licensing authorities. The Commission's website address is [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk) .

---

## APPENDIX A: LOCAL AREA PROFILE OF GWYNEDD

### INTRODUCTION

---

The purpose of this **Local Area Profile of Gwynedd** is to provide an assessment of the key characteristics of the county so that operators of licensed gambling premises may have a better understanding and awareness of Gwynedd and its risks.

Although there is no statutory requirement on licensing authorities to prepare a local area profile, it is hoped that the information provided will assist operators when preparing their local risk assessments for licensed gambling premises.

This document provides an assessment of:

- The Area Characteristics of Gwynedd;
- The Language Characteristics of Gwynedd;
- The Licensed Gambling Premises in Gwynedd;
- The Sensitive Establishments in Gwynedd; and
- The Prevalence of Vulnerable Persons in Gwynedd.

### AREA CHARACTERISTICS

---

The county of Gwynedd lies in North West Wales, has a population of over 122,000 residents and a land area of 2548 sq.km split across three districts namely, Arfon, Dwyfor and Meirionnydd. It has 301km of coastline and is home to the biggest mountain in England and Wales, Snowdon at 3,560ft. Much of its area falls within the Snowdonia National Park, reflecting the physical beauty of the area.

The leisure and tourism industry in Gwynedd is a major contributor to the local economy. Gwynedd attracts over 7 million tourists and visitors per year. The Llyn Peninsula located in the district of Dwyfor is renowned for its diverse and spectacular coastline and beautiful landscape. The peninsula was designated as an **Area of Outstanding Natural Beauty (AONB)** in 1956. The designated area includes approximately ¼ of the peninsula –a total of 15,500 hectares extending mainly along the coast and reaching inland to include the volcanic peaks of Garn Fadryn and Yr Eifl. The primary purpose of the AONB designation is to conserve and enhance the natural beauty of the area, which includes protecting flora, fauna, geological, archaeological, historic remains and architectural features. The designation also creates a responsibility to provide for a quiet enjoyment of the countryside and having regard for the interests of those who live and work there. Further information regarding the Llyn AONB, is available at [www.ahne-llyn-aonb.org](http://www.ahne-llyn-aonb.org) .

Education and learning is also a major contributor to the local economy in the district of Arfon where the city of Bangor, situated between the mountains of Snowdonia and the Menai Straits, is the home to Bangor University which attracts over 11,000 students a year.



## LANGUAGE CHARACTERISTICS

According to the 2011 census, 65.4% of Gwynedd residents are Welsh speakers. The number of Welsh speakers in each district varies greatly, with the greatest percentage of Welsh speakers being in the Arfon district wards of Llanrug (87.8%) and Peblig (87.4%).

The number of Welsh speakers in the city of Bangor is considerably less (36.4%) and in coastal areas such as along the Meirionnydd district coastline, with the percentage of Welsh speakers in Aberdyfi as low as 35.5%.

Table 1 shows the Welsh language profile of the residents per district. The Welsh language profile of residents per ward is available to view on the Gwynedd Council website [www.gwynedd.gov.uk](http://www.gwynedd.gov.uk).

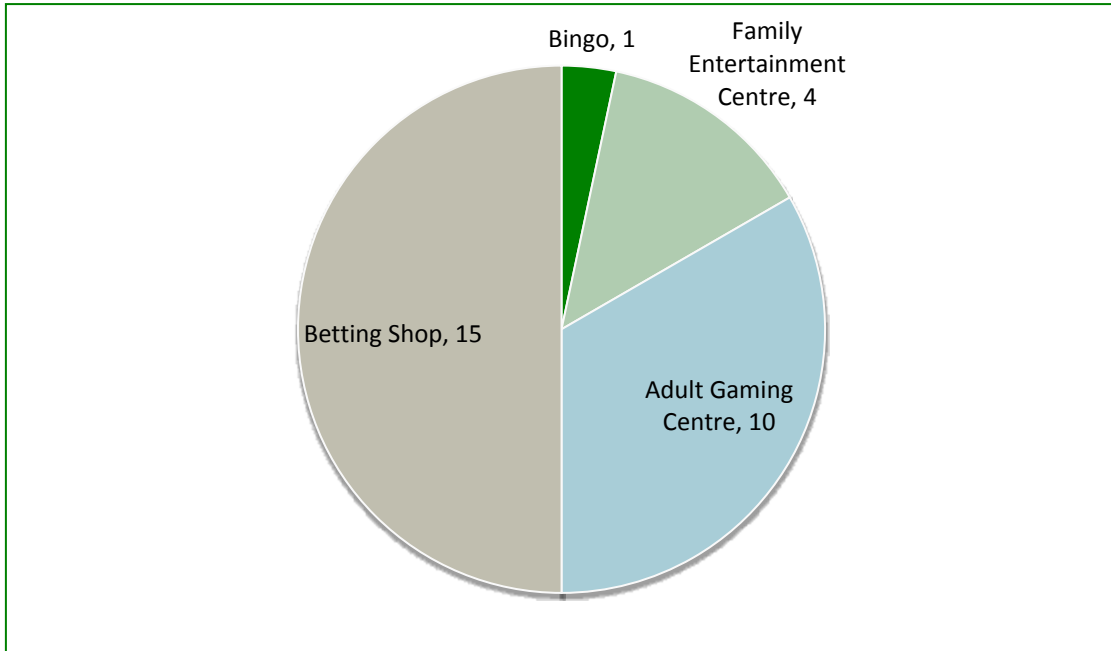
**Table 1. Welsh Language Profile in Gwynedd as per 2011 Census**

	Arfon	Dwyfor	Meirionnydd	Gwynedd	Wales
Percentage aged 3+	58,427 96.5%	26,833 96.8%	32,529 96.9%	117,789 96.6%	2,955,841 96.5%
<b>Can speak Welsh</b>	<b>38,558 66.0%</b>	<b>19,124 71.3%</b>	<b>19,318 59.4%</b>	<b>77,000 65.4%</b>	<b>562,016 19.0%</b>
Can speak, read and write in Welsh	32,687 55.9%	16,847 62.8%	16,387 50.4%	65,921 56.0%	430,717 14.6%
No skills in Welsh	14,792 25.3%	5,949 22.2%	10,436 32.1%	31,177 26.5%	2,167,987 73.3%
Can understand spoken Welsh only	4,279 7.3%	1,517 5.7%	2,329 7.2%	8,125 6.9%	157,792 5.3%
Can speak but cannot read or write Welsh	3,640 6.2%	1,420 5.3%	1,778 5.5%	6,838 5.8%	80,429 2.7%
Can speak and read but cannot write Welsh	2,064 3.5%	798 3.0%	1,085 3.3%	3,947 3.4%	45,524 1.5%
Other combination of skills in Welsh	965 1.7%	302 1.1%	514 1.6%	1,781 1.5%	73,392 2.5%

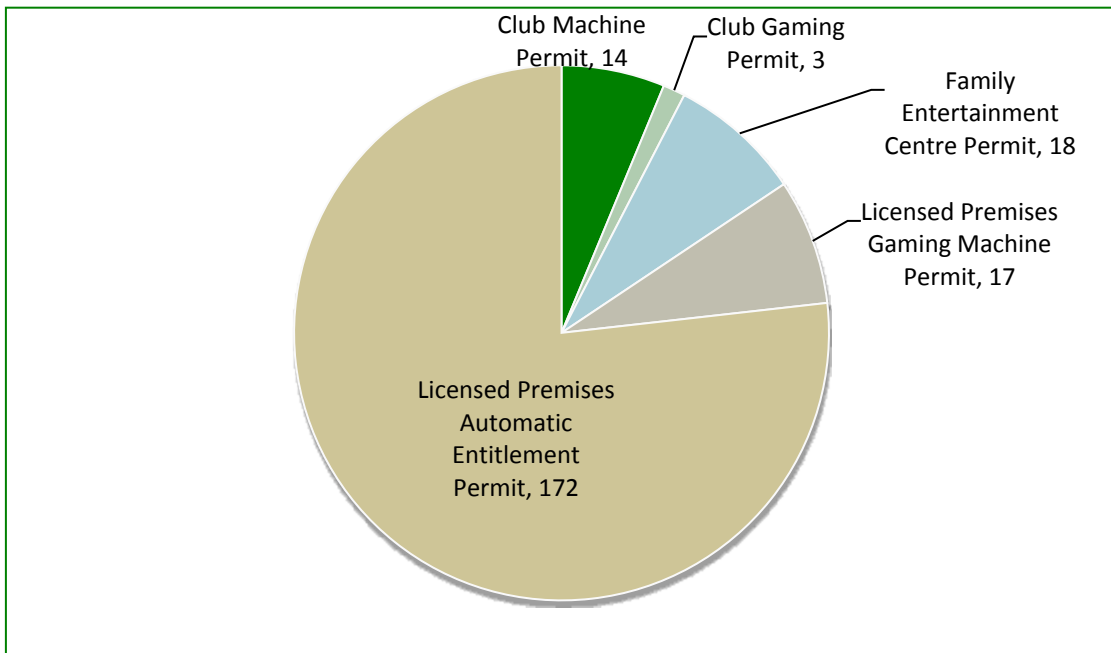
## LICENSED GAMBLING PREMISES IN GWYNEDD

Gwynedd Council currently regulates the gambling activities at 254 premises. Of this total, 30 have a premises licence for gambling and 224 premises are authorised to allow gambling by means of a permit.

**Figure 1 – Breakdown of the 30 Gambling Premises Licences in Gwynedd**



**Figure 2 – Breakdown of the 224 Gambling Permits in Gwynedd**



The majority of the gambling premises are clustered in the more densely populated areas of the county and in the main tourist, coastal regions of the county.

This is reflected in the number of Family Entertainment Centres and Adult Gaming Centres located across the coastal, tourist regions of the county.

## SENSITIVE ESTABLISHMENTS IN GWYNEDD

The proximity of gambling premises to sensitive establishments such as schools, vulnerable adult centres, or to residential areas with a high concentration of families with children is a factor that should be considered by operators when undertaking their local risk assessments.

### Secondary Schools

Area	School	Age Group
Arfon	Ysgol Brynrefail Ffordd Crawia, Llanrug, Gwynedd, LL55 4AD	(11 - 18)
Arfon	Ysgol Dyffryn Nantlle Ffordd Y Brenin, Penygroes, Gwynedd, LL54 6RL	(11 - 18)
Arfon	Ysgol Dyffryn Ogwen Ffordd Coetmor, Bethesda, Gwynedd, LL57 3NN	(11 - 18)
Arfon	Ysgol Friars Lon Y Bryn, Bangor, Gwynedd, LL57 2LN	(11 - 18)
Arfon	Ysgol Syr Hugh Owen Ffordd Bethel, Caernarfon, Gwynedd, LL55 1HW	(11 - 18)
Arfon	Ysgol Tryfan Lon Powys, Bangor, Gwynedd, LL57 2TY	(11 - 18)
Dwyfor	Ysgol Ardudwy Ffordd Glan Mor, Harlech, Gwynedd, LL46 2UH	(11 - 16)
Dwyfor	Ysgol Botwnnog Botwnnog, Gwynedd, LL53 8PY	(11 - 16)
Dwyfor	Ysgol Eifionydd Ffordd Tremadog, Porthmadog, Gwynedd, LL49 9HS	(11 - 16)
Dwyfor	Ysgol Glan-y-Môr Ffordd Caerdydd, Pwllheli, Gwynedd, LL53 5NU	(11 - 16)
Meirionnydd	Ysgol Uwchradd Tywyn Station Road, Tywyn, Gwynedd, LL36 9EU	(11 - 16)
Meirionnydd	Ysgol y Berwyn Heol Ffrydan, Y Bala, Gwynedd, LL23 7RU	(11 - 18)
Meirionnydd	Ysgol y Gader Ffordd Pont Yr Aran, Dolgellau, Gwynedd, LL40 1HY	(11 - 16)
Meirionnydd	Ysgol y Moelwyn Ffordd Wynne, Blaenau Ffestiniog, Gwynedd, LL41 3DW	(11 - 16)

Gwynedd Council currently regulates the gambling activities at 254 premises. Of this total, 30 have a premises licence for gambling and 224 premises are authorised to allow gambling

## **PREVALENCE OF VULNERABLE PERSONS IN GWYNEDD**

---

One of the objectives of the Gambling Act 2005, is the protection of children and other vulnerable persons from being harmed or exploited by gambling.

It is illegal for operators to allow children and young persons aged less than 18 years to play certain age restricted games, place a bet or be allowed entry into casinos, betting premises, Adult gaming centres and age restricted area in Bingos, Tracks and Family Entertainment centres.

The Gambling Commission refers to vulnerable persons as people who may 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 mental health needs, learning disability or substance misuse relating to alcohol or drugs.

---

## APPENDIX B: GLOSSARY OF TERMS

**Adult Gaming Centre:** licensed gambling premises which can provide gaming machines. Only adults (persons 18 years old or over) can enter an Adult Gaming Centre.

**Betting premises:** licensed gambling premises which can provide betting facilities and gaming machines. Only adults (persons 18 years old or over) can enter Betting Premises unless the premises are on a track.

**Bingo:** there are two types of bingo

**High Turnover Bingo** - Bingo where the aggregate of stakes and prizes in any 7 day period exceeds £2000. High turnover bingo can only take place in casinos and bingo halls.

**Low Turnover Bingo** - (sometimes described as non-high turnover bingo) Bingo where the aggregate of stakes and prizes in any 7 day period is less than £2000. Low turnover bingo can take place in pubs and clubs, and in premises that hold a Prize Gaming Permit or Unlicensed Family Entertainment Centre Gaming Machine Permit.

**Bingo Premises:** licensed gambling premises which can provide high turnover bingo and gaming machines.

**Casino:** there are 3 types of casino that can exist in England and Wales: large, small, or “tiny” (casinos that existed under the old law and have retained their licences under the new law). The differences are based on overall size and the number of machines and gaming tables that can be provided. Casinos can provide casino games (games which are not equal chance gaming and may involve playing against a bank) and bingo as well as gaming machines.

**Child:** For the purposes of the Gambling Act 2005, anyone under the age of 16 years.

**Club:** the 2005 Act recognises 2 types of club: **members clubs** (at least 25 members and established for purposes other than gaming unless it is a bridge or whist club, including Miners Welfare Institutes); and **commercial clubs**. Equal chance gaming can take place without any further permit provided the limits on stakes and prizes are not exceeded. In addition low turnover bingo can take place and if it is a bridge or whist club then bridge or whist can be played.

**Club Gaming Permit:** a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D), equal chance gaming and games of chance (limited to pontoon and chemin de fer).

**Club Machine Permit:** a permit to enable the premises to provide gaming machines (three machines of Categories B3A, B4, C or D).

**Conditions:** there are two types of conditions

1. **Default Conditions** – are prescribed in regulations and will be attached to all classes of premises licence, unless excluded by the licensing authority.

2. **Mandatory Conditions** – are conditions set by the Secretary of State (some are set out in the Act and some will be prescribed by regulations) which will be automatically attached to a specific type of premises licence. The licensing authority will have no discretion to alter or remove these conditions.

**Crane grab machine:** a non-money prize machine in respect of which every prize which can be won consists of an individual physical object (such as a stuffed toy) won by a person's success in manipulating a machine to separate one or more physical objects from another.

**Equal Chance Gaming:** games that do not involve playing or staking against a bank and where the chances are equally favourable to all participants.

**Exempting gambling:** certain specified low-level gambling can take place in private premises, workplaces, pubs and clubs without any requirements for licensing or registration.

**Exempt Lotteries:** certain types of lottery can be run without either a licence from the Gambling Commission or registration with the local authority. They are Incidental Non Commercial Lotteries, Private Lotteries and Customer Lotteries.

**Family Entertainment Centre:** there are 2 types of Family Entertainment Centres: licensed and unlicensed. In both cases children and young persons can enter the premises unaccompanied by adults and use category D machines. Licensed Family Entertainment Centre can provide category C and D machines, but only persons aged 18 or over can use the category C machines. An Unlicensed Family Entertainment Centre can only provide category D machines.

**Fixed Odds Betting:** if a gambler is able to establish what the return on a bet will be when it is placed, (and the activity is not 'gaming'), then it is likely to be betting at fixed odds.

**Fixed Odds Betting Terminals (FOBTs):** FOBTs are a type of gaming machines which generally appear in licensed betting shops. FOBTs have 'touch-screen' displays and look similar to quiz machines familiar in pubs and clubs. They normally offer a number of games, roulette being the most popular.

**Gaming:** playing a game of chance for a prize. This includes games of pure chance (or luck), games that have an element of skill and chance combined, and games where "superlative skill" can eliminate the element of chance. Sports are excluded from the definition of Games of Chance.

**Gaming Machine:** a machine used for gambling. There are divided into 8 categories, (A, B1, B2, B3A, B3, B4, C & D) depending on the maximum stakes and maximum prizes. Different categories of machines can be used in different types of licensed gambling premises and under different permits.

**Guidance to Licensing Authorities:** guidance issued by the Gambling Commission.

**Incidental non-commercial lottery:** see Exempt Lotteries above.

**Large Lottery:** where the total value of tickets in any one lottery exceeds £20,000 or £250,000 in separate lotteries over one calendar year. This type of lottery requires an operating Licence from the Gambling Commission.

**Licensed premises Gaming Machine Permit:** allows pubs to have more than 2 gaming machines, provided the main purpose of the premises is to remain a pub, rather than an Entertainment Centre with a bar.

**Licensing authority:** the district, borough or unitary authority responsible for licensing gambling and other activities in the area.

**Licensing Objectives:** there are three objectives

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

**Lottery:** the 2005 Act recognises 2 types of lottery, a simple lottery or a complex lottery. In both cases players pay to take part and prizes are allocated. In the case of a simple lottery, that allocation is wholly by chance, but in the case of a complex lottery there can be further steps which are not dependent upon chance. Some lotteries are exempt from regulation (see above).

**Occasional Use Notice:** a notice that may only be issued in respect of a track (see below) that permits betting on a track without the need for a Premises Licence.

**Prize Gaming:** gaming in which the nature and size of the prize is not determined by the number of players or stakes, e.g. bingo with non-cash prizes.

**Prize Gaming Permit:** a permit issued by the Licensing Authority allowing prize gaming to take place.

**Pub:** premises that have a premises licence under the Licensing Act 2003 to sell alcohol for consumption on the premises in a bar at which alcohol is served to customers. Pubs can have 2 category C or D gaming machines. If a pub has a Licensed Premises Gaming Machine Permit (see above) it can have more gaming machines.

**Risk Assessments:** the requirement under the Social Responsibility code 10.1.1 for operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at their premises and have policies, procedures and control measures to mitigate those risks.

**Relevant representations:** are representations made by responsible authorities or interested parties within the prescribed period, that relate to the promotion of at least one of the three



licensing objectives, have not been withdrawn; and, in the opinion of the licensing authority, are not frivolous or vexatious.

**Responsible authority:** public bodies that must be notified of applications and are entitled to make representations to the licensing authority. They include

- the licensing authority in whose area the premises is wholly or partly situated,
- the Gambling Commission,
- the chief officer of police or chief constable for the area in which the premises is wholly or partly situated,
- the fire and rescue authority for the same area,
- the local planning authority for the area in which the premises is wholly or partly situated,
- the relevant authority which has functions in relation to pollution to the environment or harm to human health for the area in which the premises is wholly or partly situated,
- a body, designated by the licensing authority, as competent to advise about the protection of children from harm,
- HM Revenue and Customs
- Any other person prescribed in regulations by the Secretary of State.

**Review:** following the grant of a premises licence a responsible authority or interested party may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the three licensing objectives.

**Skills with Prizes machine:** a machine on which the winning of a prize is determined only by the player's skill and there is no element of chance. These are unregulated.

**Small Society Lottery:** these are for non-commercial societies (a society established and conducted for charitable purposes; for the purpose of enabling participation in, or of supporting, sport athletics or a cultural activity; or for any other non-commercial purpose other than that of private gain) who must register their lotteries with the local authority.

**Temporary Use Notice:** a notice that allows limited types of gambling to take place for a limited period on premises that do not have a premises licence.

**Track:** a site where races or other sporting events take place e.g. horse racing, dog racing, athletics, football, motor racing etc.

**Travelling Fair:** a fair that 'wholly or principally' provides amusements and must be on a site used for fairs for no more than 27 days per calendar year. Fairs can provide prize gaming and category D gaming machines.

**Young Person:** for the purposes of the Gambling Act 2005, anyone who is not a child but is aged under 18.

## APPENDIX C: DELEGATION OF DECISION MAKING

Matter to be dealt with	Full Council	Sub-committee of licensing committee	Officers
Final approval of the Licensing Authority statement of policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X (if delegated by full council)	
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or responsible authority	X Where no representations received from the Commission or responsible authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X indicates the lowest level to which decisions can be delegate

## APPENDIX D: GAMING MACHINE SUMMARY

### SUMMARY OF MACHINE PROVISION BY PREMISES

Premises Type	A	B1	B2	B3	B4	C	D
<b>Large casino</b> (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
<b>Small casino</b> (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
<b>Pre-2005 Act casino</b> (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
<b>Betting premises and tracks occupied by Pool betting</b>			Maximum of 4 machines categories B2 to D (except B3A Machines)				
<b>Bingo premises</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
<b>Adult gaming centre</b>				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4		No limit on category C or D machines	
<b>Licensed family entertainment centre</b>						No limit on category C or D machines	
<b>Family entertainment centre</b> (with permit)							No limit on category D machines
<b>Clubs or miners' welfare institute</b> (with permits)				Maximum of 3 machines in categories B3A or B4 to D			
<b>Qualifying alcohol-Licensed premises</b>						1 or 2 machines of category C or D automatic upon notification	
<b>Qualifying alcohol-licensed premises</b> (with licensed premises gaming machine permit)						Number of category C-D machines as specified on permit	
<b>Travelling fair</b>							No limit on category D machines

## SUMMARY OF GAMING MACHINE CATEGORIES AND ENTITLEMENTS

Category of machine	Maximum stake	Maximum prize
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

# Equality Impact Assessment

Please see the leaflet *How to make an Equality Impact Assessment* for help to complete this form. You are also welcome to contact Delyth Gadlys Williams, Policy and Equality Officer on ext 32708 or [DelythGadlysWilliams@gwynedd.llyw.cymru](mailto:DelythGadlysWilliams@gwynedd.llyw.cymru), for further assistance.

## I Details

### I.1. What is the name of the policy / service in question?

Gambling Policy Statement

### I.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

Under the provisions of the Gambling Act 2005 (the Act), Gwynedd Council has a duty to act as a Licensing Authority responsible for issuing Premises Licences, Notices, Permits and Gambling Registrations in Gwynedd.

All licensing authorities are required to prepare and publish a statement of gambling policy every three years.

The purpose of the statement is to outline the principles that the licensing authority will apply when exercising its licensing function in regulating gambling activities in accordance with the requirements of the Act. When exercising its functions under the Act, the licensing authority will promote the three licensing objectives namely -

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

### I.3 Who is responsible for this assessment?

Gwenan Mai Roberts, Public Protection Manager (Pollution and Licensing Control)  
Environment Department

#### **1.4 When did you commence the assessment? Which version is this?**

The policy review was commenced in 2016. This is the final version that has been approved by the Central Licensing Committee in September 2017, following a public consultation over the Summer.

This is the first time the process of reviewing the policy has been assessed in terms of the possible impact on equality issues.

## **2) Action**

### **2.1 Who are the partners it will be necessary to work with to undertake this assessment?**

- Members of the Licensing Committee and the Cabinet
- Users and the public
- The Gambling Industry
- The Gambling Commission
- The Police

### **2.2 What measures have you taken to engage with people with equality characteristics?**

A formal consultation process has taken place during July and August, and the draft policy statement was published inviting observations from the public, the industry and any relevant organisations.

### **2.3 What was the result of the engagement?**

No responses were received during the engagement process.

## **2.4 On the basis of what other evidence do you operate?**

There is no evidence to indicate that the Statement of Gambling Policy is likely to have an impact on any groups protected by the Act. North Wales Police statistics show that there is no evidence of crime and disorder in Gwynedd that may be linked to the contents of the current Gambling policy. Although the Gambling Act came into effect in 2005; the Gambling Commission guidance on formulating and reviewing policy leads Licensing Authorities to take into consideration the equality characteristics of citizens that may be impacted by gambling practices when determining a premises licence etc. Therefore, equality characteristics have been considered when the Statement of Gambling Policy was formulated in compliance with the original Act; and each time the Policy has been reviewed following this.

The Act and the new policy expect gambling licence operators to undertake a local risk assessment to identify any nearby sensitive institutions such as schools, centres for vulnerable adults; residential areas with a large number of children.

To facilitate the process of allowing gambling licence operators to assess the risks of operating the licences locally, the Licensing Authority has created a profile of the Gwynedd area. The area profile will facilitate the task of conducting risk assessments; and assist to ensure that gambling activities do not negatively affect any section of the population.

## **2.5 Are there any gaps in the evidence that needs to be collected?**

There is a lack of evidence in the field to prove if gambling policies have an impact in any way on the population. The Gambling Commission has published a briefing paper that summarises the current position in terms of evidence of harm associated with gambling practices\*

*\*Gambling –related harm as a Public Health issue. Briefing paper for Local Authorities and Local Public Health providers (England and Wales) October 2017*

### 3) Identifying the Impact

#### 3.1 What impact will the new policy/service or the amendments to the policy or service have on people with equality characteristics?

<b>Characteristics</b>	<b>What type of impact?</b> (delete if not applicable)	<b>In what way? What is the evidence?</b>
<b>Race (including nationality)</b>	None	There is no specific evidence to indicate that there is an impact on race or nationality - however, there is a suggestion in a recent paper by the Gambling Commission* that some groups are more likely to be open to harm due to the impact of gambling.
<b>The Welsh Language</b>	none	There is no evidence to show that the gambling policy or gambling activities have an impact on the Welsh Language.
<b>Disability</b>	The potential of a small negative impact	Recent research* indicates that some groups of vulnerable persons are more likely to have problems with gambling in some circumstances.
<b>Sex</b>	Possible minor negative impact	There is no specific evidence grounds to support that the impact of gambling can be more negative to men rather than women - however, work by the Gambling Commission* indicates that the tendency to gamble can be a problem amongst men - where other factors contribute to the likelihood of gambling problems - such as mental health issues or dependency on drugs/alcohol
<b>Age</b>	Possible minor negative impact	Recent research* indicates that young people are more likely to have problems as a result of gambling.
<b>Sexual orientation</b>	none	There is no evidence that the gambling policy or gambling activities can have an impact.
<b>Religion or belief (or non-belief)</b>	none	The policy states that companies need to be sensitive to customs and religions when choosing locations for gambling centres.
<b>Gender reassignment</b>	none	There is no evidence that the gambling policy or gambling activities can have an impact.
<b>Pregnancy and maternity</b>	none	There is no evidence that the gambling policy or gambling activities can have an impact.
<b>Marriage and civil partnership</b>	none	There is no evidence that the gambling policy or gambling activities can have an impact.



### 3.2 Does the policy or the service answer these General Duties?

<b>General Duties of the Equality Act</b>	<b>Delete if not applicable</b>	<b>In what way? What is the evidence?</b>
<b>Abolishing illegal discrimination, harassment and victimisation</b>	No	Not relevant
<b>Promoting equal opportunities</b>	No	Not relevant
<b>Building good relationships</b>	No	Not relevant

#### 4) **Analysing the results**

##### 4.1 **Is the policy therefore likely to have a significant, positive impact on any of the equality characteristics or the General Duty and what is the reason for this?**

It is not anticipated that the policy will have a significantly positive impact on any of the equality characteristics, or the general duty.

##### 4.1 **Is the policy therefore likely to have a significant, negative impact on any of the equality characteristics or the General Duty and what is the reason for this?**

It is not anticipated that the policy will have a significantly negative impact on any of the equality characteristics, or the general duty.

#### 4.3 **What should be done?**

Choose one of the following:

Continue with the policy / service as it is robust	Yes
Adapt the policy to delete any barriers	
Suspend and delete the policy as the detrimental impacts are too big	
Continue with the policy as any detrimental impact can be justified	

#### 4.4 **What steps will you take to reduce or mitigate any negative impacts?**

Ensure the companies responsible for running gambling businesses in the area operate and follow the principles set in the policy and are in compliance with the Act.

**4.5 If you do not act further to delete or reduce the negative impacts, explain why here.**

Although evidence highlights the possibility of minor negative impacts of gambling on some equality groups the evidence is insufficient. Also, it is much better that gambling is regulated by the Council and it is the Council's duty to do so.

**5) Monitoring**

**5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?**

It is a requirement that every company that operates gambling licenses and permits that are under the responsibility of the Licensing Authority (Gwynedd Council) are in compliance with the Act and that they also follow the principles and act in accordance with this policy. The Council and the Gambling Commission will ensure compliance with the Act and will take enforcement measures if needed.