

CYNGOR SIR YNYS MÔN	
COMMITTEE	EXECUTIVE / COUNTY COUNCIL
DATE	19 September / 27 September 2016
TITLE OF REPORT	Review of the Local Authority's Gambling Policy Document
REPORT BY	Head of Service Regulation and Economic Development – Dylan Williams
PURPOSE OF REPORT	To Seek Approval of the Final Draft of Gambling Policy Following Consultation
ACTION	To Adopt and Approve the Amended Gambling Policy

1 INTRODUCTION

- 1.1 The Authority is required under the terms of the Gambling Act 2005 to Review it's Gambling Policy every three years or when necessary.
- 1.2 The current policy has served the Authority well over the last three years and a continuation of that policy in the short term is not anticipated to raise any issues. There are no concerns over the conduct of commercial gambling establishments within the Island at this time, nor have there been any significant problems since implementation of the Act.

2. BACKGROUND

- 2.1 Local Authorities are required under Section 5 of the Gambling Act 2005 to review their Gambling Policy every three years and the revised Policy is required to be determined by the 1st October, 2016.
- 2.2 A copy of the Gambling Policy is available for inspection below.
- 2.3 Appendix D, within the Policy, records the register of consultees most of whom were contacted through e-mail to avoid any additional costs in light of the current economic climate.
- 2.4 The revised Policy reinforces the importance of partnership working to mitigate risks; to reflect the change to social responsibilities within the Commission's Licence Conditions & Codes of Practice and to provide guidance for operators to conduct a local Risk Assessment of the immediate area.

The 5th edition of the Commission's Guidance has also been taken into consideration.

3 Recommendations

The County Council to accept the above report and approve and adopt the amended Gambling Policy.

The Isle of Anglesey County Council



CYNGOR SIR
YNYS MÔN
ISLE OF ANGLESEY
COUNTY COUNCIL

Statement of Gambling Policy

The Isle of Anglesey County Council

Statement of Gambling Policy

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Background

The Gambling Act 2005 gives effect to the Government’s proposals for reform of the law on Gambling. The Act contains a new regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread betting. It received Royal Assent on 7th April 2005.

The Gambling Act repeals the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. In effect Gambling will be unlawful in Great Britain, unless permitted by the measures contained in the Act.

The Act provides for three categories of licence

Operating licences	Personal licences	Premises licences
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The Isle of Anglesey County Council will be responsible for issuing premise licences and the new Gambling Commission, which replaces the Gaming Board, will be responsible for issuing the operating and personal licences.

The Gambling Commission will regulate gambling in the public interest by keeping crime out of gambling; ensuring that gambling is conducted fairly and openly and by protecting children and the vulnerable. The Commission have and will continue to issue guidance to Local Authorities regarding the manner in which they should regulate gambling, and the manner in which facilities for gambling are provided which may also include provisions about advertising gambling facilities.

Gambling is defined in the Act as either gaming, betting or taking part in a lottery.

Gaming means playing a game of chance for a prize

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.

A lottery is where persons are required to pay 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.

1. INTRODUCTION

1.1 Licensing Objectives

The Gambling Act 2005 requires that the Council carry out its various licensing functions with a view to promote the three main licensing 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.

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

The Council, as the Licensing Authority, is aware that, as per Section 153, in making decisions about Premises Licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

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

Hence the Council will become the licensing authority under the Gambling Act 2005. This will result in the Council becoming responsible for granting premises licences within the Isle of Anglesey in respect of:-

Casino premises
Bingo halls; and in premises licensed for the sale of alcohol
Betting premises (including tracks)
Adult gaming centres;
Family entertainment centres
Gaming Machines within pubs and clubs

1.2 Profile

The Council services the geographical area known as the Island of Anglesey, often referred to as the Mother of Wales which lies connected to the North West of the Welsh mainland by two fine bridges, Telford’s now famous Menai Bridge and the newer Britannia link. Due to its close proximity to Ireland it is a strategic international “gateway” to the Irish Republic, with the ferry port of Holyhead connecting 2.5 million people annually by sea to and from the Emerald Isle.

Anglesey has the smallest resident population in Wales with a 2003 mid-term estimate of 68,368 head count. With a 125 mile coast line encompassing an area of 720 square

kilometres it is though the largest of the Welsh Islands. A map of the district is contained in Appendix A. It remains however a Welsh language and culture stronghold boasting 22,000 hectares of Areas of Outstanding Natural Beauty, 60 sites of Special Scientific Interest which underpin 4 National Nature Reserves, 3 Special Protection areas and 8 candidates for Special Areas of Conservation.

Currently the Council has 7 licensed Betting Premises, 3 Family Entertainment Centres, 107 Licensed Premises with Gaming Machine Notification, a limited number of Club Gaming Machine Permits and just over 200 small lotteries.

The 2005 Act requires the Council to publish a 'Statement of Licensing Policy' that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications and reviews under the Act.

This Policy has been prepared having regard to the provisions of the Gambling Act, Guidance issued by the Gambling Commission and responses received during the consultation process. It is intended to be both an educational and discussion document leading to the adoption by the Council of a formal Statement of Licensing Policy. .

The policy will come into effect on the date of adoption by the Council and will be reviewed as necessary but at least every three years from the date of adoption.

1.3 Responsible Authorities

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

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

In accordance with the suggestion in the Gambling Commission's Guidance to Licensing Authorities, this authority designates the Local Safeguarding Children Board for this purpose; but it may be prudent for the Council 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.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are detailed in Appendix B.

1.4 Interested Party:

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

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 Gambling Commission's Guidance to Local Authorities.

1.5 Types of Licence

This document sets out the policies that the Council will apply when making decisions upon applications or notifications made for:

1. Premises Licences;
2. Temporary Use Notices;
3. Occasional Use Notices;
4. Permits as required under the Act; and
5. Registrations as required under the Act

1.6 Licensable Premises and Permits

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

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

Except in the case of tracks (where the occupier of the track who gets the premises Licence may not be the person who actually offers the gambling) premises licences may only be issued to people with a relevant operating licence. For example, to obtain a bingo premises licence the applicant must hold a bingo operating licence. Premises licences are transferable to someone else holding a valid operating licence.

The Act provides that licensing authorities may attach conditions to premises licences. Part 9 of this Guidance suggests what conditions might be considered in relation to each type of licence.

In addition to licences, there are other forms of authorisation that a licensing authority may grant, for example, authorisations for the temporary use of premises, occasional use notices and five different sorts of permit for unlicensed family entertainment centres, prize gaming, gaming machines on alcohol-licensed premises and club gaming and club machine permits.

1.7 Fundamental Rights

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

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

The Council, 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.

1.8 Consultees

This Statement of Licensing Policy will be subject to formal consultation with:

1. North Wales Police Service;
2. North Wales Fire & Rescue Service;
3. Representatives of the holders of the various licences for premises in the District who will be affected by this policy;
4. Persons and businesses likely to be affected by authorised gambling within the District

The above list is not intended to be exclusive, indeed it is expected for the range of consultation to be far reaching, consult Appendix D for full list.

The Council, giving full regard to the Commissions Guidance, will give appropriate weight to the views of those consulted. In determining what weight to give particular representations, the Council will take into account:

- who is making the representation (what is their expertise or interest)
- what their motivation may be for their views
- how many other people have expressed the same or similar views
- how far the representations relate to matters that the Council should be including in the policy statement

1.9 Exchange of Information

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

The principle that this Licensing Authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

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

The Council may from time to time exercise its' powers under section 115 of the Crime and Disorder Act 1998 to exchange data and information with the police and other partners to fulfil its' statutory objective of reducing crime in the area.

The authority would wish to make its decision making process as transparent as possible and all representations made to it will be shared with all parties to an application. Freedom of information legislation will be complied with.

1.10 Integrating Strategies and avoid duplication

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

When considering any application, the Licensing Authority will avoid duplication with other regulatory regimes so far as possible. Therefore, the Licensing Authority will not attach conditions to a licence unless they are considered necessary, reasonable and proportionate to the use of premises for gambling consistent with the licensing objective.

1.11 Sustainable Development Community Strategy

The Local Government Act 2000 requires all local authorities to produce a community strategy within the framework of the UK Sustainable Development Strategy – “A better Quality of Life” and relevant regional strategies.

Community strategies provide a focal point for the identification of local issues and aspirations on social inclusion, environmental protection, employment and economic development.

Local strategic partnerships, typically involving the police, local authorities, local health boards, and representatives from education, business and the voluntary sector organisations, are responsible for the achievement of locally set objectives.

Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effect of the exercise of their functions on, and do all they can to prevent crime and disorder in the area. The Licensing Authority will have particular regard to the likely impact of licensing on related crime and disorder in the County, particularly

when considering the location, impact, operation and management of all proposed licence/permit applications, renewals and variations of conditions.

2. LEGISLATION, POLICIES AND STRATEGIES

General Principles

Nothing in this 'Statement of Policy' will:

- (a) 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
- (b) 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.

The starting point in determining applications will be to grant the application, without conditions. 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.

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

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission places further onus on premises to complete a risk assessment based on Code 8, the social responsibility code. The Council will have regard to this code when considering applications. This is covered in Section 6 of this Policy.

When determining an application to grant a premises licence or whether to review a premises licence, regard will be taken regarding the proximity of the premises to schools, vulnerable adult centres, or to residential areas with a high concentration of families with children. The proximity of premises etc. taken into consideration will vary depending upon the size and scope of the gambling premises concerned. Each case will, however, be determined on its merits. Therefore, if an applicant can effectively demonstrate how they might overcome licensing objective concerns, this will be taken into account.

Licensing is about the control of licensed premises, Temporary Use Notices or Occasional Use Notices within the terms of the Act. Conditions may be attached to licences that will cover matters that are within the control of individual licensees.

When considering any conditions to be attached to licences, the Council will primarily focus on the direct impact of the activities taking place at licensed premises on

members of the public living, working or engaged in normal activity in the area concerned. The Secretary of State may, by regulation, provide for specific conditions to be attached to a Premises Licence as either “mandatory” or “default” conditions. In determining an application, the Licensing Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

In this respect, the Council 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:

1. Planning controls;
2. Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council Departments;
3. Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
4. The power of the police, other responsible authorities or a local resident or business to seek a review of the licence.

Objectors will be required to relate their objection to one or more of the Licensing Objectives, as specified in section 1.1 above, before the Licensing Authority will be able to consider it.

Where a person, whether or not directly affected by an application or living in the vicinity of a licensable premises 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.

The Council, 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.

2.1 Legislation

In undertaking its licensing function under the Gambling Act 2005, the Council must also consider other legislation, including:

1. Section 17 of the Crime and Disorder Act 1988;
2. Human Rights Act 1998;
3. Health and Safety at Work etc. Act 1974;
4. Environmental Protection Act 1990;
5. The Anti-social Behaviour Act 2003;
6. Race Relations Act, 1976 (as amended)
7. The Licensing Act 2003
8. Regulatory Return (Fire Safety) Order 2005

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

2.2 Relationship with Planning Policies

When determining an application, regard cannot, under the terms of the Act, be given to planning or building control permissions and/or any planning restrictions.

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.

The issue of a Provisional Grant of a premises licence is a separate and distinct process to the granting of Planning Permission. Planning and Building Control permissions will have to be sought and approved before any development takes place.

2.3 National Strategies

The Council will also seek to discharge its responsibilities identified by other Government Strategies, so far as they impact on the objectives of the licensing function.

2.4 Local Strategies and Policies

The Council will consider applications with reference to other adopted local policies, including the Council's Vision, Strategic Aims and Priorities

2.5 Appropriate Licence Environment

The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing May 2015, set out additional matters that the Licensing Authority should take into account when considering licence applications for Premises Licences.

Guidance section 19, LCCP condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The Licensing Authority will consider any application based on the provisions in these codes and guidance.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises; e.g. motorway service areas and shopping malls, the Licensing Authority will expect the gambling area to be clearly defined to ensure that customers are fully aware that they are making a choice to enter into the gambling premises, and that the premises is adequately supervised at all times.

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

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

Casinos

The principal access entrance to the premises must be from a street (as defined at 7.24 of the Guidance) No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons

No customer must be able to enter a casino directly from any other premises which holds a gambling Premises Licence

Adult Gaming Centre

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

Betting Shops

Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting Premises Licence.

No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café –the whole area would have to be licensed.

Tracks

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

Bingo Premises

No customer must be able to access the premise directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

Family Entertainment Centre

No customer must be able to access the premises directly from:

- a casino
- an adult gaming centre
- a betting premises, other than a track

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

3. DECISION MAKING

3.1 Administration, Exercise and Delegation of Functions

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

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

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

The schedule of delegation of licensing functions is attached at Appendix B.

3.2 Appeals Procedure

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

An appeal has to be commenced by giving notice of the appeal by the appellant to; Caernarfon Magistrates Court within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision to be appealed against.

On determining an appeal, the Court may:

Dismiss the appeal;

Substitute the decision appealed against with any other decision that could have been made by the Licensing Authority;

Remit the case to the Licensing Authority to dispose of the appeal in accordance with the direction of the Court.

Make an order about costs.

3.3 COMPLAINTS AGAINST LICENSED PREMISES

The Council will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licensee or business concerned to seek a local resolution.

Where an interested party has made valid representations 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.

This process will not override the right of any interested party to ask that the licensing committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting.

Due consideration will be given to all relevant representations unless they are considered to be frivolous, vexatious, repetitious or whether it will not cause the Council to alter/revoke/suspend the Licence

3.4 Licensing Reviews

The Council will carry out a review of a premises licence where it has received a formal application for review in accordance with the Act that is relevant to one or more of the Licensing Objectives. Representations may be that activities, including the following, are taking place:

- 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

Due consideration will be given to all relevant representations unless they fit the following:

- a) the grounds are frivolous;
- b) the grounds are vexatious;
- c) the grounds are irrelevant;
- d) the grounds will not cause the Council to revoke or suspend a licence or to remove or attach conditions on the Premises Licence;
- e) the grounds are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) the grounds are substantially the same as representations made at the time the application for a Premises Licence was considered.

A Premises Licence may also be reviewed by the Council on its own volition.

Once a review has been completed, the Council must, as soon as possible notify its decision to: the licence holder; the applicant for review; the commission any person who made representations; Chief of Police; HMC Revenue & Customs

4. Administration

4.1 Applications

An application for a Premises Licence can only be made by a person who either holds an Operating Licence authorising him to carry out the activity in respect of which a Premises Licence is sought, OR has made an application for an Operating Licence which has not been determined.

Applications for the grant, transfer or variation of a premises licence must be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives in the form of a written Operating Schedule. The Applicant may ask the Council for advice as to the scope of information to be provided. See also Risk Assessments

The level of detail to be provided will be advised by the Council and will be proportional to scale and nature of the application being made.

4.2 Conditions

Conditions will be applied to licences that are proportionate and appropriate to the business, organisation or individual concerned. The Council will principally draw upon the advice issued by the Gambling Commission and attach conditions relative to the given circumstances of each individual case.

Conditions attached to the premises licences will, so far as possible, reflect local crime prevention strategies. For example, the provision of closed circuit television cameras may be appropriate in certain premises.

4.3 Enforcement

The Council will be guided by the Gambling Commission's Guidance to Local Authorities, the Regulators Code and the Council's Enforcement Policy. It 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.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

Premises will be subject to a scheme of routine inspection, the frequency of which will be determined by the risks posed by the premises i.e. those premises considered to pose a greater risk will be subject to more frequent inspections than those posing a lower risk.

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

Additional random monitoring visits may be made, at the discretion of the licensing team, where it is considered necessary to meet the needs of the licensing objective or following receipt of complaint. The District will be monitored for unlicensed premises.

The Council 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.

The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the Licensing Authority but should be notified to the Gambling Commission.

The Licensing Authority will take account of the Gambling Commission's guidance document issued in February 2015 (or any subsequent amendments) 'Approach to Test Purchasing' when considering making test purchases at gambling premises. The council will also follow its own policies and procedures regarding the use of underage test purchasers.

The Licensing Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

4.4 Casinos

There is no resolution to prohibit casinos in the County at present. However, the Council 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 the County.

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

4.5 Unlicensed Family Entertainment Centers

Where a premise does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit.

An application for a 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. Relevant considerations to be taken into account would be the applicant's suitability, such as any convictions held that would make them unsuitable to operate a family entertainment center plus the suitability of the premises in relation to their location and issues about disorder.

The Authority would expect the applicant to show that there would be policies and procedures in place to protect children from harm. Harm in this context would not be limited to harm from gambling but include wider child protection considerations such

as training of staff regarding suspected truancy, how to deal with unsupervised children, very young children or children causing problems in and around the premises.

4.6 Additional Guidance

The Council notes that the term “Gaming Machine” now 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 by the general public. 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.

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.

The Gambling Act 2005 provides for the Secretary of State to make regulations to define four classes of gaming machine. The details, as currently available from the Gambling Commission are shown in Appendix E together with a table summarizing the provisions as they currently stand. Full consultation by the Gambling Commission on this topic is not yet complete.

4.7 Small Lotteries

The Council will continue to register small scale lotteries but with slightly new procedures published in May, 2009 by the Gambling Commission. Further details can be found on the Gambling Commission’s web site under their Guidance to Licensing Authorities – Small Society Lotteries.

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

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

4.8 Split Premises

The Council will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that mandatory conditions relating to access are observed.

The Council in this context will consider:

Whether the premises has a separate registration for business rates.

Whether the neighbouring premises is owned by a different person.

Whether the neighbouring premises can be accessed from the street or public passageway.

Whether the premises can only be accessed from other licensed gambling Premises.

5. Licensing Conditions and Codes of Practice 2015 (LCCP)

The Gambling Commission released an LCCP in February 2015 with a commencement date of May 2015. The code strengthened the social responsibility code (SR) requirements. Details regarding the LCCP and SR code can be accessed via the Gambling Commission website at www.gamblingcommission.gov.uk

The code requires operators;

- To supervise customers effectively on gambling premises and identifies customers who are at risk of gambling related harm.
- With effect from April 2016 to have in place schemes to allow customers to self-exclude themselves from all operators of a similar type in the area where they live and work.
- To have a range of measures with regard to marketing to ensure social responsibility that are transparent and not misleading.
- With effect from April 2016 to produce a risk assessment on individual premises, and
- have policies and procedures and control measures in place to mitigate local risks to the licensing objectives.

6 Risk Assessments - Betting Premises

6.1 Such risk assessments are required from new applicants, and from existing Premises licensees seeking to vary a licence. The code requires all operators of; Casinos, AGC's, Bingo Premises, FEC's, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

6.2 Operators are required by the SR code to make the risk assessment available to licensing authorities when an application is submitted either for new Premises Licence or variation of a Premises Licence, or otherwise on request, and this will form part of the Licensing Authority's inspection regime and may be requested when officers are investigating complaints.

6.3 The code requires the Licensing Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Gaming trends that may reflect benefit payments
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall,

- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths
- participating in anti-social behaviour, drug dealing activities, etc.

6.4 The Licensing Authority would recommend that the following matters are considered by operators when making their risk assessment.

Matters relating to children and young persons, including;

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

Matters relating to vulnerable adults, including;

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

Other issues that may be considered could include:

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

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

6.5 Control Measures

Control measures readily identifiable to mitigate perceived risk may involve a combination of systems, design and physical measures. For example to address the risk factors to children gaining access to an over 18 restricted gambling premises, the operator may identify the following measures:

Systems: PASS card or age verification policies, challenge 21 scheme, and staff training

Design: Exterior design which will not attract children into the premises, the entrance layout will enable staff to monitor those entering the premises and when appropriate, challenge them on the ground of age.

Physical: CCTV and electronic sensors

7. Further Information

Further information about the Gambling Act 2005, this Statement of Licensing Policy and about the application process, including application forms and guidance notes can be obtained from:

The Licensing Officer
Trading Standards Section
Department of Environmental and Technical Services
The Isle of Anglesey County Council
Council Offices
Llangefni
Anglesey
LL77 7TW

Tel: 01248 752840
Fax: 01248 752884
E-mail: licensing@anglesey.gov.uk
Website: www.anglesey.gov.uk

Information is also available from the

Gambling Commission
Victoria Square House
Birmingham
B2 4BP
Tel: 0121 230 6666
Website: www.gamblingcommission.gov.uk



Appendix B

TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE OR PANEL	OFFICERS
Three year licensing policy	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate		Executive	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Review of a premises licence		X	
Application for club gaming /club machine permits		Where representations have been received and not withdrawn	Where no representations received/ representations have been withdrawn
Cancellation of club gaming/ club machine permits		X	
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	
Determination as to whether a person is an Interested Party			X
Determination as to whether representations are relevant			X
Determination as whether a representation if frivolous, vexatious or repetitive			X

Appendix C

Contact Details for Relevant Authorities

The Isle of Anglesey County Council	Licensing, Trading Standards Section Department of Environmental and Technical Services Council Offices Llangefni Anglesey LL77 7TW dmjpp@anglesey.gov.uk
The Gambling Commission	Gambling Commission Victoria Square House Birmingham B2 4BP Tel: 0121 230 6666 info@gamblingcommission.gov.uk
North Wales Police	Licensing Section North Wales Police Yr Ala Pwllheli LL53 5BU Ian.Williams4@nthwales.pnn.police.uk
North Wales Fire & Rescue Service	North Wales Fire & Rescue Service Head Office Llanberis Road Caerarfon Gwynedd LL55 2DF Fs.wd.supv1@nwales- fireservice.org.uk
Social Services Department	Council Offices Llangefni Anglesey LL77 7TW dwjss@anglesey.gov.uk
HM Customs & Excise	HM Revenue & Customs National Registration Unit Portcullis House 21 India Street Glasgow G2 4PZ

Consultees

Elected Members, Anglesey County Council
Town and Parish Councils on Anglesey
The Gambling Commission
North Wales Police Service
North Wales Fire & Rescue Service
Head of Social Service Department, Anglesey County Council
HM Revenues and Customs
Anglesey Community Safety Partnership
Head of Education and Leisure Department, Anglesey County Council
Head of Planning, Anglesey County Council
Bingo Association
Popelstone and Allen
William Hill
Ladbrooks
Coral
Corbetts
Carefree Racing
Empire Bingo
Crown Leisure Links
Leisure Link
Sceptre Leisure Solutions Ltd
City Vending UK Ltd
Gamestec Leisure Ltd
Group representing Premises Licensed to sell alcohol
Caravan Site owners
Religious/Faith Groups
Citizens Advice Bureau
Gam Care (Gamblers Anonymous)
Salvation Army
Debt Control Agencies
Urdd Youth Movement
Trade Unions
Voluntary/Community organizations working with children/vulnerable adults

Representatives of the holders of the various licenses for premises in the District who will be affected by this policy

Members of the public who will be affected by this policy

Note: This list is not intended to be exclusive. Comments and observations will be welcome from anyone who will be affected by this policy

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

Licensing Objectives:	As defined in section 1.1 above.
Council:	The Isle of Anglesey County Council
District:	The Isle of Anglesey as administered by the Council
Licences:	As defined in section 1.4 below.
Applications:	For Licences or Permits defined in section 1.4 below.
Notifications:	Temporary Use Notices and Occasional Use Notices.
The Act:	The Gambling Act 2005
Regulations:	Means Regulations made under the Gambling Act 2005
Premises:	Any place to include a vehicle, vessel or moveable structure.
Code of Practice:	Related codes under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be Attached to a licence
Responsible Authority:	Gambling Act 2005 defines the following as responsible authorities in relation to premises: <ul style="list-style-type: none">• The Licensing Authority (Anglesey County Council)• The Gambling Commission• North Wales Police Force• North Wales Fire & Rescue Service• Planning Section, Anglesey County Council• Environmental Health, Anglesey County Council• Social Services, Anglesey County Council
	And HM Revenues and Customs

Appendix F

Table 1

Schedule below demonstrates the latest proposals from the Gambling Commission regarding the different categories with maximum stakes and prizes that may apply.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
A	Unlimited	Unlimited	Regional Casino
B1	£5	£10,000 (with the option of a maximum £20,000 linked progressive jackpot on a premises basis only)	Large Casino, Small Casino, Pre-2005 Act casino and Regional Casinos
B2	£100	£500	Betting premises and tracks occupied by pool betting and all of the above
B3	£2	£500	Bingo premises, Adult gaming centre and all of the above
B3A	£2	£500	Members' club or Miners' welfare institute only
B4	£2	£400	Members' club or Miners' welfare club, commercial club and all of the above.
C	£1	£100	Family entertainment centre (with Commission operating licence), Qualifying alcohol licensed premises (without additional gaming machine permit), Qualifying alcohol licensed premises (with additional LA gaming machine permit) and all of the above.

Machine category	Maximum stake (from January 2014)	Maximum prize (from January 2014)	Allowed premises
D money prize	10p	£5	Travelling fairs, unlicensed (permit) Family entertainment centre and all of the above
D non-money prize (other than crane grab machine)	30p	£8	All of the above.
D non-money prize (crane grab machine)	£1	£50	All of the above.
D combined money and non- money prize (other than coin pusher or penny falls machines)	10p	£8 (of which no more than £5 may be a money prize)	All of the above.
D combined money and non- money prize (coin pusher or penny falls machine)	20p	£20 (of which no more than £10 may be a money prize)	All of the above.

Table B expands on the above provisions coupling the premise type applicable to each machine category and numbers allowed per premises.

Premises type	Machine category						
	A	B1	B2	B3	B4	C	D
Large casino (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)					
Small casino (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)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting		Maximum of 4 machines categories B2 to D (except B3A machines)					
Bingo premises¹				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	
Adult gaming centre²				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	
Licensed family entertainment centre³						No limit on category C or D machines	
Family entertainment centre (with permit)³						No limit on category D machines	
Clubs or miners' welfare institute (with permits)⁴				Maximum of 3 machines in categories B3A or B4 to D			
Qualifying alcohol-licensed premises				1 or 2 machines of category C or D automatic upon notification			
Qualifying alcohol-licensed premises (with licensed premises gaming machine permit)				Number of category C-D machines as specified on permit			
Travelling fair			No limit on category D machines				