

<b>Isle of Anglesey County Council</b>	
Report to:	<b>Executive and Full Council</b>
Date:	<b>29/11/2021 and 07/12/2021</b>
Subject:	<b>Statement of Gambling Policy 2022 – 2025</b>
Portfolio Holder(s):	<b>Councillor Richard Dew</b>
Head of Service / Director:	<b>Christian Branch Head of Regulation and Economic Development</b>
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Local Members:	

#### **A –Recommendation/s and reason/s**

The Executive is requested to recommend to the Full Council the adoption of the Statement of Gambling Policy 2022-2025.

Every three years the Gambling Act 2005, requires that the Council adopts a Statement of Gambling Policy. This Policy sets out how the Council will discharge its functions with regard to the regulation of gambling premises.

The Council's Public Protection Function is responsible for granting premises licences within the Isle of Anglesey in respect of:

1. Bingo halls;
2. Betting premises (including tracks);
3. Adult gaming centres; and
4. Family entertainment centres.

Issuing permits in respect of:

1. Unlicensed family entertainment centres;
2. Clubs;
3. Premises licenced to sell alcohol; and
4. Prize gaming.

The Council is also responsible for administering the siting of Gaming Machines within premises licensed to sell alcohol (where such machines fall outside of the licensing or permitting regimes).

The above sets out some of the Council's key responsibilities under the Act.

**A –Recommendation/s and reason/s**

The Act also establishes three key licensing objectives: (the "**Licensing Objectives**"):

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

The draft Policy will promote these three licensing objectives and aim to regulate gambling in the public interest.

The draft Policy has been produced in accordance with the Gambling Commission’s guidance on ‘form and content of the Policy’.

It is a revised and updated version of the Council’s previous policy, with the following changes:

1. Appendix 3 has been updated to align with current Gambling Commission Guidance to Licensing Authorities;
2. Part 4 now refers to Anglesey Children and Families Services; and
3. Part 9.5 ‘Renewals’- reference to 2017 is removed, as this is out of date.

**B – What other options did you consider and why did you reject them and/or opt for this option?**

It is a legal requirement that the Statement of Gambling Policy is adopted by the Council.

No other options are available.

**C – Why is this a decision for the Executive?**

The Executive is required to make recommendations to the Council as the policy forms part of the Council’s Policy Framework.

**Ch – Is this decision consistent with policy approved by the full Council?**

Yes.

It forms part of the Council’s Policy Framework.

**D – Is this decision within the budget approved by the Council?**

Yes.

**Dd – Assessing the potential impact (if relevant):**

1	How does this decision impact on our long term needs as an Island?	Not relevant
2	Is this a decision which it is envisaged will prevent future costs / dependencies on the Authority? If so, how?	Not relevant
3	Have we been working collaboratively with other organisations to come to this decision? If so, please advise whom.	Consultation process undertaken with organisations listed in Appendix 2
4	Have Anglesey citizens played a part in drafting this way forward, including those directly affected by the decision? Please explain how.	Consultation process undertaken with organisations listed in Appendix 2
5	Note any potential impact that this decision would have on the groups protected under the Equality Act 2010.	None foreseen
6	If this is a strategic decision, note any potential impact that the decision would have on those experiencing socio-economic disadvantage.	Not relevant
7	Note any potential impact that this decision would have on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.	None foreseen

**E – Who did you consult?****What did they say?**

1	Chief Executive / Senior Leadership Team (SLT) (mandatory)	No comment
2	Finance / Section 151 (mandatory)	No comment
3	Legal / Monitoring Officer (mandatory)	No comment
4	Human Resources (HR)	
5	Property	
6	Information Communication Technology (ICT)	

E – Who did you consult?		What did they say?
7	Procurement	
8	Scrutiny	
9	Local Members	

F - Appendices:
Gambling Policy Statement of Licensing Policy, Gambling Act 2005 2022 - 2025 Appendix 1 Map of Anglesey Appendix 2 List of Consultees Appendix 3 Scheme of Delegation

Ff - Background papers (please contact the author of the Report for any further information):

# The Isle of Anglesey County Council



Draft

## **Gambling Policy**

Statement of Licensing Policy, Gambling Act 2005

2022 - 2025

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## 1. Introduction.

The Isle of Anglesey is located in the North West of Wales. The Island is predominantly lowland and it has a coastal Area of Outstanding Natural Beauty (AONB). Large numbers of visitors are attracted, who make an important contribution to the local economy. Agriculture remains an important activity and is integral to the island's identity and culture. The 2011 Census records a population of 69,769 with 30,600 households. Holyhead is the largest town on Anglesey, and the majority of the largest settlements are located around the coast. The largest settlement away from the coast is Llangefni, which is the County town. Anglesey has strong international transport links to Ireland through the Port of Holyhead. The A55, which is part of the Trans-European Road Network (TERN), and the North Wales coastal railway, connects the area to the rest of North Wales and the United Kingdom. A map of the County is provided at Appendix 1.

The Gambling Act 2005 (the "**Act**") governs the provision of all gambling in Great Britain, other than the National Lottery and spread betting. It received Royal Assent on 7<sup>th</sup> April 2005.

The Act established the Gambling Commission (the "**Commission**") with a national remit, as well as a number of local regulators, the Licensing Authorities. The Commission regulates commercial gambling in Great Britain in partnership with Licensing Authorities. Isle of Anglesey County Council (the "**Council**") has responsibilities as a Licensing Authority and so has various obligations under the Act.

The focus of the Commission is generally on operators and issues of national or regional significance. Licensing Authorities will generally take the lead on regulating gambling locally. The Commission and the Licensing Authorities may also work directly together on particular issues.

The Act provides for three categories of licence:

- (i) Operating licences
- (ii) Personal licences
- (iii) Premises licences

The Act also provides for a permitting regime, for certain establishments that do not require a premises licence, and a number of other specific provisions, including the entitlement for premises licenced to sell alcohol to site limited numbers of specified gaming machines.

The Commission is responsible for issuing Operating and Personal Licences.

The Council is responsible for granting premises licences within the Isle of Anglesey in respect of:

- Bingo halls;
- Betting premises (including tracks);
- Adult gaming centres; and
- Family entertainment centres;

issuing permits in respect of:

- Unlicensed family entertainment centres;
- Clubs;
- Premises licenced to sell alcohol; and
- Prize gaming;

and

administering the siting of Gaming Machines within premises licensed to sell alcohol (where such machines fall outside of the licensing or permitting regimes)

The above sets out some of the Council's key responsibilities under the Act but is not a prescriptive list.

#### Statement of Principles

The Act requires that the Council prepare a statement of principles that the Council proposes to apply in exercising its functions under the Act. This Statement of Gambling Policy (the "**Gambling Policy**") is produced pursuant to this requirement.

The Gambling Policy has been prepared having regard to the provisions of the Act, subordinate regulations, guidance issued by the Commission to licensing authorities and responses received during the consultation process. A full list of persons consulted during preparation of the Gambling Policy is provided in Appendix 2.

The Gambling 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.

The Gambling Policy is subject to changes to statute. If there is any conflict between this Gambling Policy and relevant primary or secondary legislation or statutory guidance, the relevant provisions of that legislation or guidance shall take precedence.

## 2. Fundamental Principles

The Act establishes three key licensing objectives: (the "**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.

The policy will promote these three licensing objectives and aim to regulate gambling in the public interest.

When exercising its functions under the Act, it is a requirement that the Council, shall aim to permit the use of premises for gambling in so far as the Council 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 this Gambling Policy.

## 3. Licensing Authority Functions

The Council as a licensing Authority is responsible for a number of functions required under the Act:

- The licensing of premises where gambling activities are taking place by issuing premises licences
- Issuing permits for Club gaming and Club machines
- Receive notifications for up to two gaming machines in alcohol licensed premises
- Issue licenced premises gaming machine permits where alcohol licensed premises require more than two machines.
- Permit lower stake gaming machines at unlicensed family entertainment centres
- Issuing Provisional Statements
- Registering Small Society Lotteries
- Issue permits for prize gaming
- Receive Temporary Use notices
- Receive Occasional Use Notices

#### **4. Competent Authority For the Protection of Children**

The Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 (the "**Policy Regulations**") require that the Council states 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.

Accordingly the Council designates the Isle of Anglesey Children and Families Services for this purpose.

The Council recognises that it may be prudent for other organisations to perform this role if the Council believes it is right to do so for the prevention of physical, moral or psychological harm to children.

#### **5. Determination of Interested Parties**

The Policy Regulations require that the Council states the principles it will apply in exercising its powers under Section 158 of the Act to determine whether a person is an interested party in relation to a premises licence, or an application to or in respect of a premises licence.

The Act defines a person as 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; or
- represents persons who satisfy either of the above; (for example Residents' and Tenants' Associations).

Where a person, whether or not directly affected by an application for a Premises Licence or living in the vicinity of premises where such an application has been made, puts themselves forward as representing the interests of residents in the vicinity, the Licensing Authority may ask them to provide appropriate evidence that they are acting as representatives of others.

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 Commission's Guidance to Licensing Authorities.

The Council will not seek to establish any fixed rule as to which persons qualify under the above but considers that each case must be considered on its own particular facts and judged on its merits.

References in this Gambling Policy to an "**Interested Party**" will be to those persons who are regarded as interested parties in relation to the relevant circumstances pursuant to the above policy.

## **6. Exchange of Information**

The Policy Regulations require that the Council states the principles it will apply in exercising its functions under sections 29 and 30 of the Act with respect to the exchange of information between the Council and the Commission, and the functions under section 350 of the Act with respect to the exchange of information between the Council and other persons listed in Schedule 6 to the Act.

The Council will act in accordance with the provisions of the Act in any exchange of information, and recognises that nothing in the Act authorises a disclosure which contravenes the Data Protection Act 2018 or the General Data Protection Regulation 2018. The Council shall also act in accordance with relevant guidance issued by the Commission, as well as related regulations made under the Act. It will adopt the principles of better regulation that regulatory activities should be carried out in a way which is transparent, accountable, proportionate, and consistent and should be targeted only at cases in which action is needed. The purpose is to promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business.

The Council intends for its decision making process to be transparent. To that end all representations made to the Council in the course of an application in respect of a Premises Licence will be shared with all parties to that application (being the applicant, the Responsible Authorities and any Interested Parties).

The Council shall comply with freedom of information legislation (including without limitation the Freedom of Information Act 2000) to the extent that such legislation applies to the Council and to the information in question.

It is not the Council's intention at this time to establish additional protocols in respect of exchange of information however this will be kept under review. Should any such protocols be established with other bodies in respect of information exchange then such policies will be made publicly 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 parties (for example an enforcement officer, a licensing authority, HMRC, the First Tier Tribunal and/or the Secretary of State) to fulfil its' statutory objective of reducing crime in the area.

## 7. Inspection and Criminal Proceedings

The Policy Regulations require that the Council states the principles it will apply in exercising its functions under part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified in that section.

The Council will be guided by the Commission's Guidance to Licensing Authorities, the Regulators Code and the Council's Enforcement Policy and will take account of the Commission's guidance on 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 Council will monitor and take into account the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

In exercising its functions and powers under the Act in respect of enforcement, the Council will endeavour to:

- **Act proportionately:** regulators will only intervene when necessary; remedies will be appropriate to the risk posed and costs identified and minimized.
- **Be accountable:** regulators will be able to justify decisions and be subject to public scrutiny.
- **Be consistent:** rules and standards will be joined up and implemented fairly.
- **Be transparent:** regulators will be open and endeavour to keep regulations simple and user friendly;
- **Apply enforcement in a targeted way:** regulation will be focused on the problem and minimize unnecessary burdens on business.

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.; and
- the procedures put in place by the management to meet the licensing objectives.

Additional monitoring visits may be made, at the discretion of the Council's licensing team, where it is considered necessary to meet the needs of the licensing objective or following receipt of a 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 Council has a general enforcement policy which is in accordance with the codes of practice developed by the Crown Prosecution Service and will apply where appropriate in relation to the management of criminal cases.

The Commission is the enforcement body for Operating and Personal licences. Concerns about manufacture, supply or repair of gaming machines are not dealt with by the Council but should be notified to the Commission.

## **8. Relevant factors when considering applications and reviews**

### **8.1 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 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.

When applying for a new Premises Licence (or variation of an existing Premises Licence) the applicant must also carry out a Local Risk Assessment.

The level of detail to be provided will be proportionate to the scale and nature of the application being made.

Each application will be considered on its individual merits and in accordance with the Act, relevant guidance and this Gambling Policy.

### **8.2 Objections and Representations and Review**

An Interested Party or Responsible Authority has a right to make relevant representations in writing on an application or to seek a review of a licence.

Only representations that relate to the Licensing Objectives, or that raise issues under this Gambling Policy, are likely to be relevant.

Due consideration will be given to all relevant representations unless such representation is frivolous or vexatious. Whether a given representation is frivolous or vexatious is a question of fact and is to be determined on a case-by-case basis

When determining an application to grant a Premises Licence or to review a premises licence, regard will be had to the proximity of the premises to schools, vulnerable adult centres, or residential areas with a high concentration of families with children.

Whether such premises are regarded as being in close proximity to the prospective gambling premises will vary depending upon the size and nature of the gambling premises concerned.

The Commission's Guidance to Licensing Authorities and the Licence Conditions and Codes of Practice (LCCP), set out additional matters that the Council shall take into account when considering applications for Premises Licences.

Where gambling facilities are provided at premises as a supplementary activity to the main purpose of the premises (e.g. roadside service areas and shopping centres) the Council will expect the gambling area to be clearly defined and 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.

Each case will be determined on its merits and will depend to a large extent on the type of gambling that is proposed for the premises. Therefore, if an applicant can effectively demonstrate how concerns regarding the Licensing Objectives might be resolved, this will be taken into account.

### 8.3 Irrelevant Considerations

Moral objections to gambling are not a valid reason to reject applications for Premises Licences. It should also be noted that the prevention of public nuisance and anti-social behaviour are not specific licensing objectives (unlike under the Licensing Act 2003).

Pursuant to the Act, when deciding whether or not to grant a Premises Licence, the Council will not have regard to the expected demand for gambling premises that are the subject of the application.

### 8.4 Conditions

There are certain conditions which are applied to Premises Licences by virtue of the Act (and regulations made under the Act). In addition, under the Act the Council has the power to attach conditions when issuing a Premises Licence.

In exercising this power the Council shall have regard to its responsibilities under the Act and to the policy set out in this paragraph. In considering the imposition of conditions the Council will draw upon relevant advice and guidance issued by the Commission and shall consider the circumstances of each individual case on its merits.

The Council will not attach conditions to a Premises Licence unless the Council considers such conditions necessary, reasonable and proportionate to the use of premises for gambling consistent with the Licensing Objectives, guidance issued by the Commission, the Commission's codes of practice, and this Gambling Policy.

When considering any application, the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible and conditions will generally be considered unnecessary if the Council considers that the matters that they are intended to address are already adequately dealt with by other legislation

Conditions will only be imposed to meet the requirements of the Licensing Objectives. Conditions will be proportionate and appropriate to:

- the business, organisation or individual concerned;
- the scale of the gambling operation set out in the application; and
- the risks perceived by the Council.

Conditions attached to 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.

When considering 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.

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:

- planning controls;
- ongoing measures to create a safe and clean environment in these are 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; and
- the power of the police, other Responsible Authorities or an Interested Party to apply for a review of the Premises Licence.

### 8.5 Access

Regulations made under the Act set out the access provisions for each type of premises in England and Wales.

When reviewing an application the Council will have particular regard to any issues in respect of 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 the following factors in respect of premises that are subject to an application for a Premises Licence:

- whether the premises have a separate registration for business rates;
- ownership of neighbouring premises;
- whether neighbouring premises can be accessed from the street or public passageway; and
- whether the premises can only be accessed from other licensed gambling premises

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. In this context, "street" includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls), whether a thoroughfare or not.

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 are subject to 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 (see definition above) or from another set of premises which are subject to a betting Premises Licence.

There must be no direct access from a betting shop to other premises used for the retail sale of merchandise or services.-

Tracks:

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

- a casino; or
- an adult gaming centre

Bingo Premises:

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

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

Family Entertainment Centre:

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

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

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

## 8.6 Unlicensed Family Entertainment Centres

Where a person intends to operate an establishment wholly or mainly to make gaming machines available, and there is no relevant Premises Licence in place, that person may apply to the Council for a permit to operate an unlicensed Family Entertainment Center (subject to compliance with the relevant provisions set out in the Act, related regulations and related guidance).

An application for such a permit may be granted only where the Council 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 for the Council when considering whether to grant such a permit shall include (without limitation) the applicant's suitability, including any convictions that might make the applicant unsuitable to operate a family entertainment center, and the suitability of the premises with respect to location and issues about disorder.

The Council expects any applicant for such a permit to have policies and procedures in place to protect children from harm. Harm in this context not be limited to harm from gambling but includes wider child protection considerations such as training of staff

regarding suspected truancy, and treatment of unsupervised children, very young children, or children causing disorder in and around the premises.

Prospective applicants should have regard to relevant provisions in the Act, associated regulations and associated guidance as to those categories of gaming machine that are permitted for use in an Unlicensed Family Entertainment Centre (or any other establishment licensed or otherwise permitted by the Council)

## 8.7 Small Society Lotteries

The Council is responsible for registering societies to run Small Society Lotteries. Applicants and operators should have regard to the relevant provisions in the Act and to relevant sections of the Commission's Guidance to Licensing Authorities

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 prescriptive, 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-; and
- breaches of the limits for small society lotteries-

## 9. Decision Making

### 9.1 Delegation of Functions

The Act provides that certain powers and duties of the Licensing Authority 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 schedule of delegation of licensing functions permitted under the Act is attached at Appendix 3.

### 9.2 Appeals Procedure

The Act provides that, in certain cases, applicants, licensees and those making relevant representations in respect of applications to the Licensing Authority have a right of appeal against decisions made by the Council: this is set out in more detail in section 206 of the Act.

In order to make an appeal, notice should be given 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 Council 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 Council;
- remit the case to the Council to dispose of the appeal in accordance with the direction of the Court.
- make an order about costs.

### 9.3 Complaints Against Licensed Premises and Conciliation Meetings

The Council will investigate complaints against licensed premises regarding matters that relate to 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.

Where an Interested Party has made valid representations about licensed premises or a valid application for a Premises Licence to be reviewed, the Council may initially recommend a conciliation meeting to address and clarify the issues of concern.

Such recommendation is not binding on any party and will not prejudice the right of any Interested Party to require the Council to consider their valid representations or application or for any licence holder to decline to participate in a conciliation meeting.

### 9.4 Licensing Reviews

The Council will carry out a review of a Premises Licence where it receives a formal application for such review from an Interested Party or Responsible Authority in accordance with the Act.

Such application may (but need not) include representations that one or more of the following activities have been or are carried out 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;
- use of licensed premises for the sale of stolen goods and/or
- activities that may put children and/or vulnerable persons at risk.

An application for review may (but need not) be rejected if the Council is of the view that one or more of the following applies:

- the grounds are frivolous;
- the grounds are vexatious;
- the grounds are irrelevant;

- the grounds would be certain not to 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.

The Council may also elect to review a Premises Licence at its own discretion.

Once a review has been completed the Council must, as soon as possible, notify its decision to:

- the licence holder;
- the applicant for review (if any);
- the commission
- any person who made representations;
- the Chief of Police; and
- HM Revenue & Customs

## 9.5 Renewals

Holders of 10 year club gaming, club machine and unlicensed family entertainment centre (uFEC) permits are reminded that it is the responsibility of permit holders to ensure that timely applications are made.

## 9.6 Club gaming permits and club machine permits

The authority may only refuse an application on one or more of the following grounds:

- (a) (i) for a **club gaming permit**: the applicant is not a members' club or miners' welfare institute  
 (ii) for a **club machine permit**: the applicant is not a members' club, miners' welfare institute or commercial club
- (b) the premises are mainly used by children or young persons
- (c) an offence or a breach of a condition of the permit has been committed by an applicant
- (d) a permit held by an applicant has been cancelled during the last ten years
- (e) an objection has been made by the Commission or local chief officer of police.

The authority may only cancel a permit on one of the following grounds:

- (a) the premises are used wholly or mainly by children or young persons
- (b) an offence or breach of condition of the permit has been committed in the course of gaming activities.

An application for renewal of a permit must be made during the period beginning three months before the licence expires and ending six weeks before it expires. The procedure for renewal is the same as for an application. Permits granted can cease to have effect in certain circumstances, can be cancelled and can be varied.

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

If, at the time a permit is renewed, the applicant holds a club premises certificate, the fast track procedure will apply as it does when application is first made for the permit.

### 9.7 Unlicensed Family Entertainment Centres

An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application. The authority may only refuse to renew a permit on the grounds that:

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

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

### 9.8 Prize gaming permits

An application for renewal of a permit must be made during the period beginning six months before the permit expires and ending two months before it expires. The procedure for renewal is the same as for an application.

A permit will not cease to have effect while a renewal application is pending, including an appeal against a decision not to renew.

## **10 Statement regarding Casino resolutions**

Currently there are no casinos operating within the County.

Licensing of new casinos is regulated by the Act and related regulations. The Council is not one of the Licensing Authorities that is empowered to issue casino Premises Licences.

In addition the Act gives discretion to each Licensing Authority to issue a resolution not to issue casino premises licences.

The Council has made no such resolution to prohibit casinos at present.

The Council shall keep the matter of casino Premises Licences under review and may alter its policy in this regard as it sees fit. In such event the Council shall abide by relevant law and shall have regard to relevant official guidance.

## **11 Other Regulatory regimes**

When considering matters in relation to this policy, the Licensing Authority will seek to avoid duplication with other regulatory regimes so far as possible. Where other regulatory regimes exist, this policy will not seek to impose any condition that would duplicate other legislative requirements. Similarly when determining applications or appeals, consideration will be given to the Act and relevant factors as detailed in this policy.

## **12 Demand for gaming premises**

Each application for gaming premises licence will be considered on its merits. Consideration of the expected demand for a gaming premises will not be a relevant factor in determining the application, in accordance with section 153 of the Act.

## **13 Other Information**

In relation to any objections to the grant of a new premises licence, or requests for the review of an existing licence any objections should be based on the three key licensing objectives of the Act:

- 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.

Objections that are not related to the above objectives will not be considered as relevant objections.

## **14 Local Risk Assessments**

The LCCP require gambling operators (i.e. operators of adult gaming centres, bingo premises, family entertainment centres, betting shops, and remote betting intermediaries) to assess the local risks to the Licensing Objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures in place to mitigate those risks.

These risk assessments should be reviewed and updated:

- to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks; and
- when applying for a variation of a premises licence.

An operator must undertake a local risk assessment when applying for a new premises licence.

Operators are required to make the risk assessment available to licensing authorities when an application is submitted either for a new Premises Licence or variation of a Premises Licence, or otherwise on request. The risk assessment will form part of the Council's inspection regime and may be requested when officers are investigating complaints. A copy of the local risk assessment should be available at the premises.

The Council expects operators to take account of the following when preparing their risk assessment.

- information held by the licensee regarding self-exclusions and incidences of underage gambling;
- Gaming trends that may reflect the spending of benefit payments;
- arrangement for localised exchange of information regarding self-exclusions and gaming trends;
- urban setting such as proximity to schools, the local commercial environment, and particular factors affecting footfall;
- the 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, participation in anti-social behaviour, drug dealing activities, etc.;

matters relating to children and young persons, including:

- any 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;
- any areas that are prone to issues from youths participating in anti -social behaviour, including such activities as graffiti, underage drinking, etc.; and
- any recorded incidents of, or information held by the licensee in respect of, attempted underage gambling;

matters relating to vulnerable adults, including:

- information held by the licensee regarding self-exclusions
- gaming trends that may coincide with days for financial payments such as pay days or benefit payments;
- any arrangement for localised exchange of information regarding self-exclusions and gaming trends; and
- proximity of any 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.;

and

- other potentially relevant factors, including (but not limited to) matters of faith relating to any religious or faith denomination, including proximity to churches, mosques, temples or any other place of worship.

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

#### 14.1 Risk Assessments - Control Measures

Control measures to mitigate perceived risk may involve a combination of systems, design, and physical measures. Appropriate control measures will be assessed on a case-by-case basis, on the particular merits of the proposed measures in context of the circumstances in question.

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 25 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.

## 15 Declaration

This statement of Licensing policy (Gambling Policy) has been produced with due regard to the licensing objectives in the Act, guidance issued by the Gambling Commission and responses from those consulted on the policy.

## 16 Appendices

### Appendix 1 Map of the Isle of Anglesey County Council Area



## **Appendix 2 Consultees**

- Anglesey and Gwynedd Community Safety Partnership
- Anglesey Town and Community Councils
- Association of British Bookmakers
- Bingo Association
- British Amusement Catering Trade Association BACTA
- British Beer and Pub Association
- British Holiday & Home Parks Association
- Citizens Advice
- Done Brothers
- Gamble Aware
- Gambling Commission
- GamCare
- HM Revenue and Customs
- Isle of Anglesey County Council Children and Families Services
- Isle of Anglesey County Council Environmental Health
- Isle of Anglesey County Council Planning Service
- North Wales Fire & Rescue Service
- North Wales Police
- Public consultation
- Public Health Wales
- William Hill

### Appendix 3 Scheme of delegation

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		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 Authorities	X Where no representations received from the Commission or Responsible Authorities
Application for a provisional statement		X	X
Review of a premises licence		X	
Application for club gaming /club machine permits		X Where objections-have been received and not withdrawn	X Where no objections 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	

**X indicates the lowest level to which decisions can be delegated**