



Cyngor Sir  
**CEREDIGION**  
County Council

# **Cyngor Sir Ceredigion County Council Statement of Gambling Policy 2022 - 2025**

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**This policy is available in Welsh and in large print on request to the Licensing Authority**

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# 1 STATEMENT OF GAMBLING POLICY

## 1.1 Introduction

The Gambling Act 2005 came into force in September 2007. Ceredigion County Council became a Licensing Authority under the Act. This resulted in the Authority becoming responsible for granting premises licences and other permissions within the County of Ceredigion in respect of:-

- ❖ Casino premises;
- ❖ Bingo premises;
- ❖ Betting premises, including tracks;
- ❖ Adult Gaming Centres;
- ❖ Family Entertainment Centres;
- ❖ Temporary Use Notices;
- ❖ Occasional Use Notices.

The Gambling Act 2005, S.349, requires the Council to prepare and publish a “Statement of Gambling Policy” that sets out the principles it proposes to adhere to in order to exercise its functions under the Act.

This “Statement of Gambling Policy” has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission, including the latest guidance, the Gambling Act 2005, the Codes of Practice, and any responses from those consulted on the policy statement.

However, where updates are required due to changes in national legislation, statutory guidance or contact details, the Authority reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

The Policy will be reviewed from time to time, and every three years in any event. This policy will come into force on 3<sup>rd</sup> March 2022.

## 1.2 The County of Ceredigion

Ceredigion County Council is a mixed urban and rural district in Ceredigion covering an area of approximately 1795 sq. km. with a population of approximately 74600 (2017). The population of Ceredigion increases greatly during the summer months due to the number of visitors to the area. As can be seen from the map attached as Appendix A, the County has six main towns, namely, Aberaeron, Aberystwyth, Cardigan, Lampeter, Llandysul and Tregaron. Four of these are market towns and two, namely Aberystwyth and Lampeter are university towns. There are 7 Secondary schools located in the County. The topography of the County is such that it includes seaside resorts, mountainous and boggy areas of special scientific interest as well as lush, fertile valleys.

In 2020 there were approximately 32,309 . There are some 3,955 VAT registered businesses within the County. The main urban areas are Aberystwyth and Cardigan. The remainder of the area is a mixture of small towns, villages and farmland.

Ceredigion is not densely populated although there are concentrations of housing in some areas, in particular, Aberystwyth.

60.1% (Over 3 years of age) (Welsh Govt Stats 2019) of the population are Welsh speakers and 25% (Stats Wales) of residents are pensioners. It has the 6<sup>th</sup> lowest percentage of people of working age with no qualifications (7.7% ) in Wales. In 2020 the employment rate in Ceredigion was 71.6% . This was the second lowest in Wales. .

There are 8 Gambling Premises in Ceredigion consisting of:

- 2 Betting Premises
- 2 Bingo Premises
- 3 Adult Gaming Centres
- 0 Family Entertainment Centres

In addition, there are 20 Unlicensed Family Entertainment Centres within Ceredigion.

### **1.3 Glossary of Terms**

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

Licensing Objectives:	As defined in section 1.4 below
Council:	Ceredigion County Council (hereinafter referred to as “the Council”)
County	The area of Ceredigion administered by Ceredigion County Council referred to in the map attached (see Appendix A)
Licences:	As defined in section 1.4 below
Applications:	Applications for licences and permits as defined in section 1.4 below
Licensing Authority	A Licensing Authority within the meaning of Section 2 of the Gambling Act 2005 (hereinafter referred to as “the Authority”)
Notifications:	Means notification of temporary and Occasional Use Notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place

Code of Practice:	Means any relevant code of practice made under Section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Ceredigion County Council
Track:	“Track” means a horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.
Responsible Authority:	<p>For the purposes of this Act, the following are Responsible Authorities in relation to premises:</p> <ol style="list-style-type: none"> <li>1. The Licensing Authority in whose area the premises are wholly or partly situated (“Ceredigion County Council”);</li> <li>2. The Gambling Commission;</li> <li>3. Chief Constable of Heddlu Dyfed-Powys Police;</li> <li>4. Mid and West Wales Fire Service;</li> <li>5. The Development Control Section of Ceredigion County Council’s Planning Services Division;</li> <li>6. Environmental Control Team, Public Protection, Policy and Performance, Ceredigion County Council;</li> <li>7. Children’s Services, Ceredigion County Council;</li> <li>8. HM Revenue and Customs;</li> <li>9. In relation to a vessel, a navigation authority, Environment Agency, British Waterways Board and Secretary of State;</li> <li>10. Any other person prescribed in regulations by the Secretary of State;</li> </ol>
Interested Party:	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Authority which issues the licence or to which the application is made, the person :-</p> <ol style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> <li>b) Has business interests that might be affected by the authorised activities;</li> <li>c) Represents persons who satisfy a) or b) above.</li> </ol>

## **1.4 Licensing Objectives**

In exercising most of their functions under the Act, the Authority must have regard to the licensing objectives, as set out in Section 9 of the Act. In particular, Licensing Authorities must have regard to the licensing objectives in relation to Premises Licences, Temporary Use Notices and some permits.

Each of the Licensing Objectives identified below are of equal importance.

The objectives are:

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

## **1.5 Types of Licence**

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

- Premises Licences;
- Temporary Use Notices;
- Permits as required under the Act;
- 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:-

## **1.7 Casinos**

There are currently no casinos operating within Ceredigion. Following debate at full Council on 3<sup>rd</sup> March 2022, a resolution was passed not to issue casino licences within the County of Ceredigion as provided for in Section 166 Gambling Act 2005. This resolution may be reviewed as necessary, and at least every three years in line with the adoption of the Statement of Gambling Policy. There is no right of appeal against this resolution. Potential licence applicants should note that as a 'no-casino' resolution has been passed by this Council, no applications for casino premises licence will be considered. Any applications received will be returned with a notification that a 'no casino' resolution is in place.

## **1.8 Bingo Premises**

This licensing authority notes that the Gambling Commission's Guidance states:

*"18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant*

*consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.”*

This authority also notes the Guidance at paragraph **18.8** S.172(7), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158 Categories of Gaming Machine Regulations 2007 (but not B3A) and B4 machines. Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.

Paragraph 18.7 further states that children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use, these must be separated from areas where children and young people are allowed.

This licensing authority will expect applicants to detail in their operator's local risk assessment their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or think 21;
- How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 4.3(4) of this policy will be addressed
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

## **1.9 Betting Premises**

**Betting machines** - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for



those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer. This Licensing Authority expects applicants to demonstrate suitable measures to ensure children do not have access to such machines.

This licensing authority will expect applicants to detail in their operator's local risk assessment, their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or think 21;
- How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 4.3(4) of this policy will be addressed
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

The Authority recognises that certain bookmakers have a number of premises within its area. In order to ensure that any compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Authority a single named point of contact, who shall be a senior individual, and whom the Authority will contact first should any compliance queries or issues arise.

Whilst the licensing authority has the power to limit the number of Self Service Betting Terminals (SSBT) betting machines under Section 181 of the Gambling Act 2005, the holder of a Betting Premises licence may make available for use up to four gaming machines of categories B, C or D and there is no power to restrict the number of gaming machines.

A betting office is an adult only environment and children are not permitted to access it at any time. It is expected that licence holders have measures in place to stop young people from entering the premises.

### **1.10. Tracks**

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities.

It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

The Act does not define what constitutes a sporting event or race and licensing authorities will need to decide this on a case by case basis. The Commission is aware of some instances of the apparent misuse of occasional use notices (OUNs). Local sporting clubs or other venues seeking to become tracks through a contrived sporting event have utilised OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue, examples include the Cheltenham Festival and Grand National meeting. Whilst we have not introduced a new licence condition limiting the betting to the outcomes of a race, competition or other sporting event taking place at the track in question whilst the OUN is in force, the situation is being kept under review. Further details can be found in Part 15.

This licensing authority will expect applicants to detail in their operator's local risk assessment, their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes, such as challenge 21 or think 21;
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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

Pool Betting - S.179 provides that a betting premises licence in respect of a track may not authorise pool betting to take place, other than in respect of dog or horse racing and only where the acceptance of bets is by the holder of the betting premises licence, or in accordance with arrangements made by them. In the case of dog racing, this preserves the existing arrangements at dog tracks where the totalisator is operated by or on behalf of the occupier of the track.

### **1.11 Gaming machines**

Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

### **1.12 Betting machines**

This licensing authority will, as per Part 6 of The Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

### **1.13 Condition on rules being displayed**

The Gambling Commission has advised in its Guidance for local authorities that licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

This Licensing Authority will expect applicants to detail in their operator's local risk assessment, how they will comply with this guide as part of their application.

### **1.14 Applications and plans**

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity. (See Guidance to Licensing Authorities, para 20.43).

**Plans** – Applicants will be expected to provide a plan of the premises in a scale of 1:100 unless the Authority has agreed in writing to the applicant to accept a plan in an alternative scale. The plan should show:

- The entire boundary of the premises, and all buildings and structures within the premises.
- The location of the points of access to and egress from the premises.
- The areas to be used for gambling activities whether permanent or temporary.
- Any areas where access by children is restricted/prohibited.
- Location of any warning or information notices.
- Location of any public conveniences.
- Location of any gambling areas at the premises covered by separate licences or permits.
- The plan may include a legend through which the above matters may be identified.

This Licensing Authority is of the view that, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are

provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule (commonly known as betting rings) must be indicated on the plan. (See Guidance to Licensing Authorities, para 20.46).

### **1.15 Travelling Fairs**

It will fall to this licensing authority to decide whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met. The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

### **1.16 Adult Gaming Centres (AGC)**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority will expect applicants to detail in their operator’s local risk assessment, their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:

- Adopt a proof of age scheme such as challenge 21 or think 21;
- How any risks to children and vulnerable persons from gambling that have been identified in a risk assessment carried out in accordance with paragraph 4.3(4) of this policy will be addressed
- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

Social Responsibility Code Provision 3.5.6 requires that all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine

general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility. There is also an Ordinary Code provision at 3.5.7.

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

### **1.17 Family Entertainment Centres (FEC)**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Applicants are strongly advised to refer to the safeguarding information set out on page 33 of this policy document.

This licensing authority will expect applicants to detail in their operator's local risk assessment, their own measures to meet the licensing objectives however appropriate measures/licence conditions should cover issues such as:

- CCTV;
- Supervision of entrances/machine areas;
- Physical separation of areas;
- Location of entry;
- Notices/signage;
- Specific opening hours;
- Self-exclusion schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare;
- Measures/training for staff on how to deal with suspected truant school children on the premises.
- How any risks to children and vulnerable adults from gambling that have been identified in a risk assessment carried out in accordance with paragraph 4.3(4) of this policy will be addressed.
- Carry out Criminal Record checks (DBS) on each individual employed by the Operator
- Provide details of their criminal convictions criteria

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

This licensing authority will, as per the Gambling Commission's guidance, refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. This licensing authority will also make aware of any mandatory or default conditions on these premises licences, when they have been published.

### **1.18 Club Gaming and Club Machine Permits**

Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming Machines Permit. The Club

Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance. Members Clubs and Miners' Institutes and also Commercial Clubs may apply for a Club Machine Permit. A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

The Council has to satisfy itself that the club meets the requirements of the Act to obtain a club gaming permit. In doing so it will take into account a number of matters as outlined in the Gambling Commission's Guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. The club must be conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs. The Council may only refuse an application on the grounds that:

- (a) The applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) The applicant's premises are used wholly or mainly by children and/or young persons;
- (c) An offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) A permit held by the applicant has been cancelled in the previous ten years; or
- (e) An objection has been lodged by the Commission or the police.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Commercial clubs cannot hold Club Premises Certificates under the Licensing Act 2003 and so cannot use the fast-track procedure. As the Gambling Commission's Guidance for local authorities' states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." And "The grounds on which an application under the process may be refused are:

- (a) That the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the Act, including the small society lottery.

### **1.19. Prize Gaming and Prize Gaming Permits**

The Council has the right in accordance with this 'Statement of Principles' to specify matters that this authority propose to consider in determining the suitability of the applicant for a permit.

It also specifies that the applicant should set out the types of gaming that they are intending to offer and that the applicant should be able to demonstrate:

- That they understand the limits to stakes and prizes that are set out in Regulations;
- And that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

When deciding on application for these type of permits the authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:-

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

### **1.20. Temporary Use Notices/Occasional Use Notices**

S.39 of the Act provides that where there is betting on a track on 8 days or fewer in a calendar year, betting may be permitted by an OUN without the need for a full premises licence. The Secretary of State has the power to increase or decrease the number of occasional use notices that an operating licence holder could apply for each calendar year. 'Day' is defined as midnight to midnight, so an event that starts on one calendar day and ends on the following day would count as two days. OUNs are designed to allow licensed betting operators to provide betting facilities at genuine sporting events (such as point-to-point racecourses and golf courses for major competitions) within the boundaries of the identified venue on a specific date, without the need for a full betting premises licence. An OUN must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The following should be noted in relation to an OUN:

- OUNs can only be relied upon for eight days or fewer in a calendar year and therefore licensing authorities should keep a record of the number of notices served in relation to each track. The period of eight days applies to the venue and not the individual who has submitted the notice.
- an OUN must be submitted for each day that betting activity will be conducted on the premises. If betting activity is to be held over a period of eight consecutive days, the operator will be required to submit eight separate notices.
- the notice must specify the day on which it has effect. An event running past midnight and ending on the following day accounts for two occasional use days, even though in practice it is one event.
- no objection or counter notice (refusal) is possible unless the maximum number will be exceeded.
- notice must be given to the licensing authority and the police, in writing, before the event starts.
- no premises licence can exist for the place which is the subject of the notice.
- land can be used temporarily as a track, for example for a point-to-point race, provided that sporting events or races take place there. There is no need for a track to be permanently established.

Local sporting clubs or other venues seeking to become tracks through a contrived sporting event have utilised OUNs to solely or primarily facilitate betting taking place on events occurring away from the identified venue, examples include the Cheltenham Festival and Grand National meeting. Whilst we have not introduced a new licence condition limiting the betting to the outcomes of a race, competition or other sporting event taking place at the track in question whilst the OUN is in force, the situation is being kept under review.

### ***1.21 Registration of Small Society Lotteries***

A lottery is any arrangement that satisfies all of the criteria contained within the statutory description of either a simple lottery or a complex lottery, in accordance with section 14 of the Act.

A 'society' is the society, or any separate branch of such a society, on whose behalf a lottery is to be promoted, and has been established as a non-commercial organisation. Section 19 of the Act defines a society as such if it is established and conducted:

- for charitable purposes, as defined in section 2 of the Charities Act 2006;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity;
- for any other non-commercial purpose other than that of private gain.

The society must have been established for one of the permitted purposes as set out in section 19 of the Act, and that the proceeds of any lottery must be devoted to those purposes. It is not permissible to establish a society whose sole purpose is to facilitate lotteries.



Local authorities are entitled to operate their own lotteries, but may only do so if licensed by the Gambling Commission. Local authorities must commit a minimum of 20% of the proceeds from such lotteries for a purpose for which they have power to incur expenditure, and must also adhere to the other relevant provisions in the Act. They may also need to hold a remote gambling operating licence, in the event that they wish to sell lottery tickets via electronic or other remote technological methods such as over the telephone, email or via the internet.

Applications for small society lottery registrations must be in the form prescribed by the Secretary of State and must be accompanied by a registration fee and a copy of the terms and conditions and the constitution to prove that they are a non-commercial society. Paragraphs 47 and 48 of Schedule 11 of the Act set out the grounds for licensing authorities to refuse a small society lottery registration application.

Licensing authorities are required by paragraph 44 of Schedule 11 of the Act to record details of the society on a register. While it does not have to be a public register, the Commission recommends that licensing authorities make the register available to the public on request.

Once the application for registration has been accepted and entered on the local register, the licensing authority must then notify both the applicant and the Commission of this registration as soon as practicable.

The Council will adopt a risk-based approach towards its enforcement responsibilities for small society lotteries. The Council 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

Non-commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by, or on behalf of, a charity or for charitable purposes
- to enable participation in, or support of, sporting, athletic or cultural activities.

### ***1.22 Alcohol Licensed Premises Gaming Machine Permits***

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The Council can remove the automatic authorisation in respect of any particular premises if:

- Provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;

- Gaming has taken place on the premises that breaches a condition of Section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- The premises are mainly used for gaming; or
- An offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then an application for a permit must be submitted and the Council must consider that application based upon the licensing objectives, any guidance and codes of practice issued by the Gambling Commission and “*such matters as the Council think relevant.*” The applicant will have to provide reason(s) why they need more than 2 machines at their premises. The Council considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the Council that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence. It should be noted that the Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

Applicants for Licensed premises Gaming Machine Permits are therefore required to provide the following information alongside their application:-

1. A plan of the premises in accordance with paragraph 1.14 of this policy on which they shall show the proposed location of each gaming machine along with details of the locations of supervising staff as well as Notices and signage.
2. Information regarding the nature of the premises including access to the premises by persons aged under 18.

Applicants are required to demonstrate that the gambling activity proposed at the premises, except in the case of Tracks (where the occupier may not be the person offering gambling), Premises Licences will only be granted to those issued with an Operating Licence by the Gambling Commission.

## **1.23 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.

All applicants for Premises Licences will be required to set out how they will be 'reasonably consistent with the licensing objectives, as specified in section 1.4 above, and what measures they intend to employ to ensure compliance with them.

When determining an application to grant a Premises Licence regard will be taken in relation to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families with children. The proximity of premises taken into consideration will vary depending on the size and scope of the gambling premises concerned. Each case will, however, be decided on its merits and will depend to a large extent on the type of gambling that it is proposed will be offered on the premises. Moral objections to gambling are not a consideration when determining applications. Therefore, if an applicant can effectively demonstrate how he/she 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. Conditions should only be attached where there is evidence that mandatory and default conditions need to be supplemented in the circumstances of a particular case.

When considering any conditions to be attached to licences, the Authority 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 specified conditions to be attached to a Premises Licence as either "mandatory" or "default" conditions.

In determining an application, the Authority may not have regard to the expected demand for the facilities which it is proposed to provide.

The Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of unruly behaviour that can occur away from licensed premises, including:-

a) Planning controls;

- b) Ongoing measures to create a safe and clean environment in these areas in partnership with local businesses, transport operators and other Council departments;
- c) Regular liaison with the Police on law enforcement issues regarding disorder and anti-social behaviour;
- d) The power of the Police, other responsible authorities or local residents and businesses to seek a review of the licence.

Responsible Authorities or Interested Parties making representations will be required to relate their objection to one of more of the Licensing Objectives, as specified in section 1.4 above before the Authority will be able to consider it.

In fulfilling its licensing function, the Council will have to consider the need to eliminate unlawful discrimination and promote equality and good relations between people from different racial groups. Regard will always be given to the public interest in the regulation of gambling in Ceredigion.

In exercising its functions under part 8 of the Act (premises licences and provisional statements) a Licensing Authority will apply the principles contained in Section 153 of the Act and should aim to permit the use of premises for gambling in so far as it thinks it:

- a) is in accordance with any relevant Section 24 Code of Practice
- b) is in accordance with any relevant Section 25 Guidance issued by the Commission
- c) is reasonably consistent with the licensing objectives and
- d) is in accordance with this Policy statement

### **1.24 Consultees**

The Statement of Gambling Policy will be subject to formal consultation with:-

- a. the Chief Constable of Heddlu Dyfed-Powys Police;
- b. one or more persons who appear to the Authority to represent the interest of persons carrying on gambling businesses in the Authority's area, and
- c. one or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise or the Authority's functions under the Act.

These include:-persons/bodies with whom the Authority has consulted (see Appendix B)

### **1.25 Information exchange**

In fulfilling its functions and obligations under the Gambling Act 2005 the Authority will exchange relevant information with the Commission and other regulatory bodies which may establish protocols in this respect as appropriate. In exchanging such information, the Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council's existing policies. Any person who wishes to access data relating to themselves may make a written application to the Council's Data Protection Officer.

Details of those persons making representations will normally be made available to applicants and in the event of a hearing being held, will form part of a public document. Persons making representations or applying for the review of a Premises Licence will be informed that their details will be disclosed. There may be circumstances, however, where an objector requests that the representation be kept in confidence, if there is good reason to respect that confidence.

## **2 LEGISLATION, POLICIES AND STRATEGIES**

### **2.1 Legislation**

In undertaking its licensing function under the Gambling Act 2005, the Authority is also bound by other legislation, including:-

1. Crime and Disorder Act 1998;
2. Human Rights Act 1998;
3. Data Protection Act 2018 (section 3)

However, the policy is not intended to duplicate existing legislation and other regulatory regimes.

### **2.2 Relationship with Planning Policies**

When determining an application, the Authority shall not take into account matters not relevant under the Act such as the likelihood of the applicant obtaining planning permission or building control approval.

An applicant can apply for a “provisional statement” if the building is not complete or if he does not yet have a right to occupy it. Such an application is, however, a separate and distinct process to the granting of planning permission or building control approval.

### **2.3 National Strategies**

The Authority will also seek to discharge its responsibilities identified by other Government strategies, insofar as they impact on the objectives of the licensing function.

### **2.4 Local Strategies and Policies**

Where appropriate, the Authority will consider applications with reference to other adopted local strategies and policies, including the following:-

1. The Council’s Corporate Strategy;
2. The Community Safety Strategy;
3. Relevant Enforcement Policies
4. Sustainable Development Community Strategy.

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. The Wellbeing and Future Generations (Wales) Act 2015 requires all Welsh local authorities to think about the long-term impact of their decisions, to work better with people, communities and each other, and to prevent persistent problems such as poverty, health inequalities and climate change.

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 Council 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.

## ***2.5 Integrating Strategies***

There are many stakeholders involved in the leisure industry and many are involved in the promotion of the licensing objectives. A number of stakeholders’ plans and strategies deal with matters related to the licensing function. Where this is the case, the Authority will aim, as far as possible, to co-ordinate them.

The Authority recognises in particular the importance of the co-ordination and integration of the Gambling policy with other strategies aimed at the management of town centres and the night-time economy.

Relevant plans and strategies include:-

- ❖ Ceredigion Community Safety Partnership – The Council will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County.
- ❖ Health Social Care & Wellbeing Strategy
- ❖ Children and Young Persons Strategy
- ❖ The Area Planning Board for Substance Misuse’ strategy

## **3 DECISION MAKING**

### ***3.1 Administration, Exercise and Delegation of Functions***

The powers and duties of the 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 Authority may, nevertheless, refer any matter to the Licensing Committee or Sub-Committee.

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

### ***3.2 Giving Reasons for Decisions***

The Authority will give comprehensive reasons for its decisions. The Authority will address the extent to which decisions have been made with regard to any relevant Codes of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with this Policy Statement.

### ***3.3 Licensing Reviews***

The Licensing Authority 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 of more of the Licensing Objectives from a Responsible Authority or an interested party.

An application for review may be rejected if the Authority thinks that the grounds upon which it is sought:

- a) are frivolous;
- b) are vexatious;
- c) are not relevant to the principles that must be applied by the Authority (under Section 153 of the Act) (see paragraph 1.23(23) above)
- d) will not cause the Authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence;
- e) are substantially the same as the grounds cited in a previous application relating to the same premises; or
- f) 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 Authority of its own volition.

In relation to particular premises, the Authority may review any matter connected to the use made of the premises, if it has reason to suspect that licence conditions have not been observed, or for any other reason, which gives them course to believe that a review may be appropriate.

Although the policy statement should identify the factors to be considered, it should be clear that each application or review will be decided on its merits. Importantly, if an applicant for a premises licence can show how licensing objective concerns can be overcome, the licensing authority will need to take that into account in its decision making.

## **4 LOCAL STANDARDS**

### **4.1 Licence Environment**

The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (LCCP) commencing October 2020, set out additional matters that the Authority should take into account when considering licence applications for Premises Licences.

<https://www.gamblingcommission.gov.uk/licensees-and-businesses/lccp/print>

The Authority will consider any application based on the provisions in these codes and guidance. These may be subject to change by the Gambling Commission from time to time.

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 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 Authority, in line with the Commission, considers that it is not permissible and indeed is highly undesirable for Family Entertainment Centres or Unlicensed Family Entertainment Centres (FEC/uFECs) to have been granted for entire venues in that it exposes the public, and young people in particular, to the “ambient gambling” that the Act was designed to prevent (i.e. the removal of machines from food take-away premises, taxi offices, etc.).

Similarly, the Authority in line with the Commission, considers that it is not permissible for gaming machines which should be contained within the uFEC or FEC premises, to be located in corridors and walkways which form part of the larger building. uFECs are premises which are ‘wholly or mainly’ used for making gaming machines available (S238 [Gambling Act 2005 \(opens in new tab\)](#)). As a result, it is generally not permissible for such premises to correspond to an entire shopping centre, airport, motorway service station or similar. Typically, the machines would be in a designated, enclosed area.

Machines have been found in such venues without the requisite uFEC permit or FEC premises licence and as such the machines are being made available unlawfully and are not subject to the controls necessary to minimise gambling-related harm and protect children and vulnerable people.

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



The Gambling Commission's Guidance for relevant access provisions for each premises type is reproduced in Appendix D.

## **4.2 Applications**

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

- who are aged 18 or over **and**
- who have the right to occupy the premises **and**
- who have an operating licence which allows them to carry out the proposed activity Details of operators that hold an operating licence are available on the Commission's website **or**
- who have applied for an operating licence to allow them to carry out the proposed activity. The premises licence cannot be determined until an operating licence has been issued.

Applications for the grant, transfer or variation of a Premises Licence must be accompanied by an assessment that demonstrates how the applicant will be reasonably consistent with all the Licensing Objectives in the form of a written Operating Schedule.

This should take the form of a written risk assessment submitted with such an application indicating how the applicant will demonstrate how they can be reasonably consistent with each of the licensing objectives. Applicants will be expected to maintain risk assessments where particular challenges to complying with their social responsibility obligations might appear at their premises, and in the context of local environmental risk factors. This is entirely consistent with the promotion of the licensing objectives. Licensees should share a copy of their risk assessments with the local Authority when applying for a variation to existing licensed premises, or otherwise at the request of the licensing authority.

The Licence Conditions and Code of Practice (LCCP) issued by the Gambling Commission commencing in October 2020 places further onus on premises to complete a risk assessment based on code 8, the social responsibility code. The Authority will have regard to this code when considering applications. This is covered in detail below in 4.3 of this statement.

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

Definitions of "Responsible Authorities" and "Interested Parties" who are able to make representations under this Act can be found in the Glossary of Terms at 1.3 of this Policy.

## **4.3 Risk Assessments**

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The Code requires all operators of Adult Gaming Centres (AGC's), Bingo Premises, Family Entertainment Centres (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.

Operators are required by the LCCP 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 Authority's inspection regime and may be requested when officers are investigating complaints. The risk assessments should be retained at the premises and be available for inspection by Licensing officers.

The Code requires the Authority to set out matters they expect the operator to take account of in the risk assessment in its statement of policy and this Authority expects the following matters to be considered by operators when making their risk assessment:-

- Information held by the licensee regarding self-exclusions and incidences of underage gambling,
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends.
- Urban setting such as proximity to schools, youth centres, commercial environment, factors affecting footfall,
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc., including those identified in a licensing authority's statement of licensing policy.

The Authority expects the following matters to be considered by Operators when making their risk assessment:-

(i) 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 alleys, cinemas, etc.
- Any premises where children congregate including bus stops, cafés, 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

(ii) 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.

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

A local area profile may be developed by the Licensing Authority following discussions with stakeholders. This could assist applicants in consideration of local issues. If and when this is developed it will be added to the Policy as a separate Appendix.

#### **4.4 Assessment of Need**

Unfulfilled demand is not a criterion that will be taken into consideration when determining an application for a Premises Licence under the Gambling Act 2005. Each application must be considered on its merits without regard to demand.

#### **4.5 Conditions**

Premises licences granted under the Gambling Act 2005 are subject to robust mandatory and default conditions. Any conditions attached to licences will be proportionate and will be:-

- Relevant to the need to make the proposed building suitable as a gambling facility;
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises; and
- Reasonable in all other respects.
- Only added where there is evidence of a particular risk to the licensing objectives that additional conditions will be considered.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures the Authority will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas, etc. There are specific comments made in this regard under some of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions in relation to ways in which the licensing objectives can be met effectively.

The Authority will also consider specific measures, which may be required for buildings, which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

The Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:-

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

These considerations will apply to premises, including buildings where multiple premises licences are applicable.

The Authority is aware that tracks may be subject to one or more than one Premises Licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this Authority will consider the impact upon the licensing objective of ***Protecting Children and Vulnerable persons from being harmed or exploited by gambling*** and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

It is noted that there are conditions, which the Authority cannot attach to Premises Licences, namely:-

- Any condition on the Premises Licence which makes it impossible to comply with an Operating Licence condition;
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body is required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- Conditions in relation to stakes, fees, winning or prizes.

#### ***4.6 Enforcement, Inspection and Prosecution***

The Authority's principles are that it 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:-

- **Proportionate:** regulators should only intervene when necessary, remedies should be appropriate to the risk posed, and costs identified and minimised;
- **Accountable:** regulators must be able to justify decisions, and be subject to public scrutiny;
- **Consistent:** rules and standards must be joined up and implemented fairly;
- **Transparent:** regulators should be open, keep regulations simple and user friendly, and
- **Targeted:** regulation should be focused on the problem, and minimise side effects.

The Authority will use appropriate enforcement to ensure location and operation of gaming machines. Dealing with illegal poker or illegal/illegally sited machines in a specific premises often lends itself to a multi-agency coordinated approach with licensing authority officers leading the operation and the police and sometimes HMRC providing support, advice and expertise. Licensing officers should contact the Commission in the first instance to agree if such a multi-agency approach would be appropriate.

#### **4.7 Licensable Activities**

Below is a list of Gambling Activities that this Authority can authorise;

#### **Premises Licences (In association with a Licensed Operator licensed with the Gambling Commission)**

- Adult Gaming Centre
- (Licensed) Family Entertainment Centres
- Bingo Premises
- Betting Premises

#### **Provisional Statements**

Developers may wish to apply to this Authority for provisional statements before entering into a contract to buy or lease property or land to determine whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a provisional statement.

## **5 CRIME AND DISORDER**

The Council will fulfil its duty under s17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the County, and for the purposes of this policy, prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

A high standard of control is expected to be exercised by licence holders over licensed premises.

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

Applicants are encouraged to discuss the crime prevention procedures in their premises with the Council's Licensing Officers and Heddlu Dyfed-Powys Police before making a formal application.

In considering licence applications, the Authority will particularly take into account the following:-

- a) The design and layout of the premises
- b) Location insofar as the location relates to the licensing objectives
- c) The training given to staff in crime prevention measures appropriate to those premises;

- d) Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- e) Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- f) The likelihood of any violence, public order or policing problem if the licence is granted.
- g) In relation to the prevention of disorder, the Authority has the ability (under S169 of the Act) to impose licence conditions.
- h) The staff's awareness of Money Laundering legislation and the provision of a clear procedure for reporting any suspicious activity to senior management

## **6 ENSURING THAT GAMBLING IS CONDUCTED IN A FAIR AND OPEN WAY OBJECTIVE**

Generally, the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way, as this will be a matter for either the management of the gambling business (and therefore relevant to the Operating Licence), or will be in relation to the suitability and actions of an individual (and therefore relevant to the Personal Licence). Both of these options fall under the purview of the Gambling Commission.

However, in relation to the licensing of tracks, the premises licence may need to contain conditions to ensure the environment in which betting takes place is suitable.

## **7 PROTECTION OF CHILDREN AND OTHER VULNERABLE PERSONS OBJECTIVE**

### ***7.1 Principles applied in designating a body competent to advise the Authority about the protection of children from harm***

In designating, in writing a body competent to advise the Authority about the protection of children from harm, the Council has considered the views of the Strategic Directors as well as Heddlu Dyfed-Powys Police's Child Protection Team. Based on the following principles it has been decided that the Council's Children's Services is most competent to advise the Authority in relation to such matters.

- Whilst Schools Services has responsibility for the holistic well-being of children, Children's Services is actively involved in the protection of children from harm.
- Social Workers specialising in children's services are trained and experienced in assessing initiatives that could harm the essential and psychological health and well-being of children. These officers will also be able to identify situations in which children could be the subject of exploitation.

## **7.2 Access to Licensed Premises**

With limited exceptions, children and young persons should not be permitted to gamble, and should be prevented from entering those gambling premises which are adult only environments.

The Authority will expect premises to have procedures in place for removing (from adult only premises) anyone who appears to be under age and who tries to access gambling facilities and cannot produce an acceptable form of identification.

To this end Premises Licence holders should consider an appropriate age verification policy. The Authority expects to be advised in writing of what this policy entails for each of the premises in its area.

The Authority will seek to limit the advertising for premises so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children. Particular care should be taken where premises are in the vicinity of schools, youth centres and other educational establishments.

The Authority considers that the ability to supervise customers on all gambling premises is essential for the pursuit of the licensing objectives, in particular that of protecting children and other vulnerable people from being harmed by gambling.

The Authority expects that existing and prospective licensees ensure that their policies and procedures take account of the structure and layout of their gambling premises regarding supervision.

The Authority expects existing and prospective licensees to ensure that their procedures for preventing access to gambling by self-excluded individuals take into account the structure and layout of their gambling premises.

The Authority will consult with Children's Services or Adult Services if any application indicates there may be concerns over access for children or vulnerable persons.

The Authority will consider the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises.

This may include such requirements as:-

- a) Supervision of entrances/machine areas.
- b) Segregation of gambling areas from areas frequented by children
- c) Supervision of gaming machines in licensed family entertainment centres
- d) Adopt a proof of age scheme such as challenge 21 or think 21;
- e) Explain how any risks to children and vulnerable persons from gambling will be addressed
- f) CCTV. Applicants are advised to follow the guidance available from Dyfed-Powys Police regarding the standard and specifications.
- g) Physical separation of areas;
- h) Location of entry
- i) Notices/signage
- j) Specific opening hours.
- k) Self-exclusion schemes

- l) Provision of information leaflets/helpline numbers for organisations such as Gamcare

See also Appendix D.

### **7.3 Test Purchasing**

The Authority supports the stance of the Gambling Commission in promoting operators to test the integrity of their age verification policies and procedures to prevent children from accessing gambling facilities. Each premises will be expected to inform their Primary Authority (where there are such agreements in place with specific operators) in writing of the approach they have adopted and share the results of such tests with the Authority annually with a view to working with the Authority to enhance robustness of procedures preventing children using gambling facilities.

Those who **do not** have such Primary Authority agreements are expected to share the results of such test purchases with this Licensing Authority.

### **7.4 Vulnerable Persons**

The Authority does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that “vulnerable persons” include:

- a) People who gamble more than they want to;
- b) People who gamble beyond their means;
- c) People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, or as a result of alcohol consumption or the use of illegal substances, e.g. drugs.

The Authority expects all Betting Premises and Adult Gaming Premises to put in place provisions to identify those customers potentially at risk of gambling-related harm, whether or not they are displaying obvious signs of, or overt, behaviour associated with problem gambling.

### **7.5 Bet-Watch**

The Authority encourages and will support local operators to create and maintain an information sharing network to discuss issues of problem gamblers that are identified. This will also be an opportunity for operators to discuss issues with licensing officers.

### **7.6 Local Health Board Notification**

The Licensing Authority will notify the Local Health Board of applications for gambling premises licences.

### **7.7 Good Practice Guidance**

Premises operators, responsible authorities and decision makers are strongly advised to consider best practice guidance when assessing the impact of granting a licence. Particular reference should be made to the following reports:-



- Welsh Government Framework on Tacking the Night Time Economy
- The Relationship Between Alcohol and Gambling behaviours - Alcohol Concern Cymru (2015)
- Gambling with Our Health – Chief Medical Officer for Wales Annual Report 2016/17

## **7.8 Training**

Premises operators are advised to provide staff with relevant training, which includes training on drug and alcohol related issues, particularly training on local policies for dealing with discarded needles and the risks of blood borne virus in order to protect staff. Training could also include awareness of the types of new and emerging drugs referred to as “New Psychoactive Substances” (previously “Legal Highs”) in order to better equip staff to handle use on premises.

Premises operators are also strongly advised to promote local help services for addressing gambling, drug and alcohol issues. Details of where to obtain relevant promotional material can be obtained from the licensing authority.

## **7.9 Safeguarding**

Ceredigion County Council believes that the safeguarding of Children and Vulnerable persons is a priority.

Ceredigion’s Licensing Section in conjunction with agencies, including the Gambling Commission and Dyfed Powys Police is looking to work in partnership with licensees, their staff and other organisations to ensure that premises offering gambling activities, operate responsibly and with due regard to children and vulnerable persons.

As part of this initiative the group is working towards producing information and training material to raise awareness of safeguarding issues, including Child Sexual Exploitation and to provide local points of contact for advice and guidance as well as to report concerns.

The authority recommends that businesses offering gambling activities need to ensure that their staff have been adequately trained in relation to safeguarding matters in order to respond appropriately and quickly where issues arise. This advice is equally as important to operators of premises which offer gaming machines alongside the sale or supply of alcohol.

The authority strongly suggests that applicants for authorisations include information regarding their arrangements for staff safeguarding training as part of the application documents.

# **8 COMPLAINTS AGAINST LICENSED PREMISES**

The Authority 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 licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a licence to be reviewed, the Authority may initially arrange 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 fit the exceptions outlined in 3.3 above.

## **9 DOOR SUPERVISORS**

The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect. Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirement for different types of premises vary (as per the Guidance, Part 33).

However, where an applicant chooses not to engage SIA registered door supervisors this Licensing Authority will expect the applicant to detail in their application and operator's local risk assessment, how they intend to: -

- a) Carry out Criminal Record checks (DBS) on each individual
- b) Provide details of their criminal convictions criteria
- c) Explain the proposed method of identifying these individuals when working in the capacity of door supervisors.
- d) Indicate the ratio of male and female operatives
- e) Provide details of the appropriate training for the role
- f) Provide a work register showing the duty time and date (same applies to SIA registered

## **10 DECLARATION**

Ceredigion County Council in its capacity as licensing authority hereby declares that in producing this policy statement, it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, and any responses received from those consulted on the policy document.

## 11 FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Gambling Policy or the application process can be obtained from:-

The Licensing Team

Ceredigion County Council, Policy, Performance and Public Protection, Neuadd  
Cynfor Ceredigion, Penmorfa, Aberaeron, SA46 0PA

Tel: 01545 572179;

E-mail: [licensing@ceredigion.gov.uk](mailto:licensing@ceredigion.gov.uk)

Information is also available from:-

Gambling Commission Victoria Square House, Victoria Square, Birmingham, B2 4BP Tel:0121 230 6500, E-mail: <a href="mailto:info@gamblingcommission.gov.uk">info@gamblingcommission.gov.uk</a> Website: <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>	The Department for Digital Culture, Media and Sport, 100 Parliament Street, London, SW1A 2BQ Telephone: 020 7211 2210 Website: <a href="http://www.culture.gov.uk">www.culture.gov.uk</a>
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# 12 APPENDICES

## 12.1 Appendix A – Map of Locality (Ceredigion)



## **12.2 Appendix B – List of Consultees**

- Elected Members, Ceredigion County Council
- Community and Town Councils in Ceredigion
- One Voice Wales
- Chief Executive, Ceredigion County Council
- Corporate Director x 2 Ceredigion County Council
- Corporate Lead Officer Legal and Governance,, Ceredigion County Council
- Corporate Lead Officer Economy and Regeneration Services, Ceredigion County Council
- Corporate Lead Officer Policy, Performance and Public Protection, Ceredigion County Council
- Corporate Lead Officer, Porth Cynnal Children’s Services, Ceredigion County Council
- Corporate Lead Officer, Porth Gofal Adult Services, Ceredigion County Council
- Corporate Lead Officer, Schools and Culture Services, Ceredigion County Council
- Corporate Lead Officer, Porth Cymorth Cynnar, Community Wellbeing and Learning , Ceredigion County Council
- Development Control Manager Ceredigion County Council
- The Gambling Commission
- Heddlu Dyfed Powys Police and Police and Crime Commissioner
- Mid and West Wales Fire & Rescue Service
- The Local Area Health Board, Hywel Dda University Health Board
- Hafal Ceredigion
- Mind Aberystwyth
- West Wales Action for Mental Health
- Ceredigion Community Safety Partnership
- Association of British Bookmakers Ltd
- Licence Holders or the representatives of the holders of the various licences for premises in the Authority’s area who will be affected by this policy.
- Members of the public who will be affected by this policy.
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area.
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Act.

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

### 12.3 Appendix C – Table of Delegations of Licensing Functions

Matter to be dealt with	Full Council	Sub-Committee	Officers
Final Approval of the <u>Gambling</u> Policy Statement	X		
Policy not to permit casinos	X		
Fee Setting - when appropriate	X		
Fee Setting (if delegated by Full Council)		X	
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	X Where no representations received from the Commission
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/ representations have been withdrawn
Review of a premises licence		X	

Application for club gaming/club machine permits		X Where representations have been received and not withdrawn	X 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	

X – Indicates at the lowest level to which decisions can be delegated.

## **12.4 Appendix D - Access to Premises**

### **Adult Gaming Centre**

- No customer should be able to access the premises directly from any other licensed gambling premises.

### **Betting Shops**

- Access must be from a street 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, unless that shop is itself a licensed betting premises e.g. it would not be permissible to 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 premises 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.



## 12.5 Appendix E - Summary of Machine Provisions by Premises

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

<sup>1</sup> S.172(7), as amended, provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises

with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on that premises. Premises that were licensed before 13 July 2011 are entitled to make available eight category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. There are no restrictions on the number of category C or D machines that can be made available. Regulations state that category B machines at bingo premises are restricted to sub-category B3 (SI 2007/2158: Categories of Gaming Machine Regulations 2007 (but not B3A) and B4 machines. Licensing authorities should ensure that gambling machines are made available for use in a manner consistent with our guidance within Part 16. For the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. This includes tablets.

S.172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines (the terminals commonly in use are able to provide both B2 and B3 content).

<sup>2</sup> Gaming machine provisions by premises are set out at Appendix A. S.172(1) of the Act, as amended, provides that the holder of an AGC premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines available on those premises.

Adult gaming centres are entitled to make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C or D machines. Where a premises licence was granted before 13 July 2011, they are entitled to make available four category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Category B machines at adult gaming centres are restricted to sub-category B3 and B4 machines, but not B3A machines.

<sup>3</sup> Only premises that are wholly or mainly used for making gaming machines available may hold an unlicensed FEC gaming machine permit or an FEC premises licence. Category C machines may only be sited within licensed FECs and where an FEC permit is in force. They must be in a separate area to ensure the segregation and supervision of machines that may only be played by adults. There is no power for the licensing authority to set a limit on the number of machines under the FEC permit.

<sup>4</sup> Members' clubs and miners' welfare institutes with a club gaming permit or with a club machine permit, are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement.

<sup>5</sup> Commercial clubs with club machine or gaming permits are entitled to a total of three machines in categories B4 to D.

## **12.6 Appendix F - The meaning of ‘available for use’**

Gambling Commission guidance to licensing authorities:

### **The meaning of ‘available for use’**

**16.16** S.242 of the Act makes it an offence for a person to make a gaming machine available for use, where they do not hold an operating licence or other permission covering gaming machines and where no other exemption applies.

**16.17** The Act does not define what ‘available for use’ means, but the Commission considers that a gaming machine is ‘available for use’ if a person can take steps to play it without the assistance of the operator.

**16.18** More than the permitted number of machines may be physically located on a premises but the onus is on licensees to demonstrate that no more than the permitted number are ‘available for use’ at any one time.

**16.19** A machine that can operate at more than one category, which is operating at a lower category, does not contribute to the number of machines ‘available for use’ at a higher category until it switches to that category. Licensees must ensure no more than the permitted number are ‘available for use’ at any one time.

**16.20** Systems in which a number of machines are networked so that the player can select which game and category they play are permitted but licensees must still adhere to any restrictions on the number of machines at a certain category.

**16.21** Gaming machine entitlements in AGC or bingo premises set out that only 20% of machines can be category B machines in order to ensure a balanced offering of gambling products and restrict harder gambling opportunities.

**16.22** Machine design has changed in recent years and space-saving gaming machines - in the form of tablets, multi-player units and narrow/in-fill machines - have become available. Some of these machines appear to have been designed primarily to maximise category B machine entitlements.

**16.23** We updated our ‘available for use’ guidance<sup>11</sup> in 2019 to make it clear that for the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. For example, the Commission would consider that a multi-position machine that technically allows two or more players to play simultaneously but in reality requires those players to stand very closely together or adopt unnatural participation positions, to the effect that a second player would be discouraged from attempting to use the machine, could not be classed as two or more machines.

**16.24** In relation to tablets, licensees should ensure that there is sufficient floorspace in the premises to permit counted tablets to be used simultaneously.

**16.25** Electronic Bingo Terminals (EBTs) that offer gaming machine content in addition to bingo content are gaming machines and subject to adherence with the above principles. Licensees are reminded however that an EBT must only allow participation in one gambling activity at a time and should not therefore contain functionality which allows participation in bingo and gaming machine activity simultaneously.

**16.26** We have published our 'available for use' guidance<sup>12</sup> on the Commission website, and provided additional information specifically in relation to when is a gaming machine 'available for use' in AGC or bingo premises under the 20% regulations."