

AGENDA

Licensing Committee

Wednesday, 27 May 2015 AT 14:05
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

Members are invited to declare any disclosable pecuniary interests, other registrable interests and any interests, relating to any item on the agenda at this stage.

Public and Press

To agree that the items of business within Part A of the agenda should be dealt with in public and that the items of business within Part B of the agenda should be dealt with in private.

Minutes of previous meetings

To agree the minutes of the meeting held on 21 January 2015.
[Copy Minutes in Minute Book 41(5)]

PART A

To be considered when the Public and Press are present

A.1 LICENSING ACT 2003 - UPDATE

5 - 8

The Licensing Manager to provide an update on the Licensing Act 2003.

(Copy Report GD.34/15 herewith)

A.2 LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY – 9 - 12
FORMATION OF WORKING GROUP

The Licensing Manager to provide an update on the Statement of Licensing Policy and recommend that a Working Group be established consisting of Members and Officers, to agree a draft Licensing Policy for consultation and recommendation to the Licensing Committee and eventual approval of the City Council.

(Copy Report GD.23/15)

A.3 GAMBLING ACT 2005 - UPDATE

13 - 16

The Licensing Manager to provide an update on the Gambling Act 2005.

(Copy Report GD.35/15 herewith)

A.4 GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY – 17 - 20
FORMATION OF WORKING GROUP

The Licensing Manager to provide an update on the Statement of Gambling Policy and recommend that a Working Group be established consisting of Members and Officers, to agree a draft Gambling Policy for consultation and recommendation to the Licensing Committee and eventual approval of the City Council.

(Copy Report GD.33/15 herewith)

A.5 APPOINTMENT TO THE LICENSING SUB COMMITTEES

21 - 22

To appoint Members to serve on the four Licensing Sub-Committees as per the attached Schedule.
(Copy Schedule herewith)

PART B

To be considered when the Public and Press are excluded from the meeting

-NIL-

Members of the Licensing Committee

Conservative – Bowman S, Layden, Morton, Mrs Parsons, Shepherd, Collier (sub), Higgs (sub) Nedved (sub)

Labour – Bell (Chairman), Cape, Ms Franklin (Vice Chairman), Scarborough, Mrs Stevenson, Mrs Warwick, Wilson, Osgood (sub), Ms Patrick (sub), Stothard (sub)

**Enquiries, requests for reports, background papers,
etc to Lead Committee Clerk: Rachel Rooney – 817039**

Report to Licensing Committee

Agenda
Item:

A.1

Meeting Date: 27 May 2015
 Portfolio: Finance, Governance and Resources
 Key Decision: Not Applicable:
 Within Policy and
 Budget Framework NO
 Public / Private Public

Title: LICENSING ACT 2003 - UPDATE
 Report of: Director of Governance
 Report Number: GD 34/15

Purpose / Summary:

This report gives an update on the Council's current position regarding applications under the Licensing Act 2003.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Licensing Act 2003.

1 Background

- 1.1 The Licensing Act 2003 took effect on 24th November 2005, from which date this Council administered all licences issued.
- 1.2 This report summarises the current situation with regard to licences issued under the Act and explains recent changes in the legislation.

2 Licence figures – as at 12 May 2015

2.1 Personal Licences

Previous Report - 1498

Current Licences – 1503

Total licences surrendered/revoked - 18

2.2 Premises Licences

With alcohol

Previous Report - 394

Current Licences – 395

Total licences surrendered/revoked - 132

Without alcohol

Previous Report - 81

Current Licences – 79

Total licences surrendered/revoked - 35

2.3 Club Premises Certificate

With alcohol

Previous Report - 22

Current Licences – 21

Total licences surrendered/revoked – 6

Without alcohol

Previous Report - 0

Current Licences – 0

2.4 Temporary Event Notices

Year	No. Received	No. Refused
2006	199	5
2007	261	3
2008	267	2
2009	203	12
2010	243	5
2011	276	6
2012	247	4
2013	200	3
2014	200	2
2015 to date	43	

2.5 Current applications – Includes new, change of DPS, variation of hours, transfers etc.

Pending applications – 17

3 Current Issues

3.1 Personal Alcohol Licences

3.2 The Licensing Act 2003 states that the sale of alcohol must be authorised by a Personal Licence Holder. This licence was issued either under 'grandfather rights' or by the applicant passing a relevant course and disclosure check. The licence lasts for 10 years.

3.3 In 2014 the Government consulted on abolishing personal licences altogether. There was strong opposition from both the trade and licensing authorities and the Government decided to retain them, however they would last indefinitely rather than 10 years. The appropriate legislation was not made and the first 10 year licence renewals were submitted for renewal in February/March 2015. Interim guidance was issued by the Government for those licences due for renewal before the new legislation became law. This interim procedure created additional work without any ability to charge a fee.

3.4 On 1 April new legislation came onto the statute book removing the requirement to renew personal licences. All current licences therefore last indefinitely. This

creates the additional problem that over the years licence holders die, move house or receive relevant convictions, which the licensing authority may not be aware of.

4 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Susan Stashkiw

Ext: 7025

**Appendices None
attached to report:**

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources –None

Report to Licensing Committee

Agenda
Item:

A.2

Meeting Date: 27 May 2015
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: LICENSING ACT 2003 –STATEMENT OF LICENSING POLICY –
FORMATION OF WORKING GROUP
Report of: Director of Governance
Report Number: GD 23/15

Purpose / Summary:

One of the statutory duties of the Local Authority under the Licensing Act 2003, is for each five (was three) year period, to consult with certain statutory bodies and then publish a statement of its Licensing Policy. The last policy was published in January 2011 and we are about to consult on the draft of a revised policy for publication by January 2016. It is recommended that a small working group consisting of Members and Officers be formed to consider this draft policy.

Recommendations:

Form a working group consisting of Members and Officers, to agree a draft Licensing Policy for consultation and recommendation to the Licensing Committee and eventual approval of the City Council.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

BACKGROUND

1. One of the duties of the Local Authority under the Licensing Act 2003, is for each five (was three) year period, to consult with certain statutory bodies and then publish a statement of its Licensing Policy.
2. The last policy was published in January 2011 and consultation will shortly be taking place on a draft of a revised policy.
3. Licensing Act 2003 Section 5 reads:

Statement of Licensing Policy

- (1) Each licensing authority must in respect of each five (was three) year period
 - a) determine its policy with respect to the exercise of its licensing functions and
 - b) publish a statement of that policy before the beginning of the period.
 - (2) In this section “five year period” means-
 - (a) the period of three years beginning with such day as the Secretary of State may by order appoint, and
 - (b) each subsequent period of five years.
 - (3) Before determining its policy for a five year period, the licensing authority must consult -
 - a) the chief officer of police for the licensing authority’s area,
 - b) the fire authority for that area
 - c) such persons as the licensing authority considers to be representative of
 - i) holders of premises licences issued by that authority,
 - ii) holders of club premises certificates issued by that authority,
 - iii) holders of personal licences issued by that authority, and
 - iv) such other persons as the licensing authority considers to be representative of businesses and residents in its area.
 - (4) During each five year period, a licensing authority must keep its policy under review and make such revisions to it, at such times, as it considers appropriate.
4. The date appointed by the Secretary of State in accordance with section 5(2) of the Licensing Act 2003 was 8th January 2005. The fourth review of the policy must therefore be published by 8th January 2016.
 5. In 2003, Cumbria Licensing Managers Group, which is made up of Licensing Managers from each of the six authorities, discussed the formulation of a common policy. This was prepared, with the assistance of national guidance, and was accepted with minor variations by all six authorities.

6. For the last three policies, the Licensing Committee of this Council resolved to form a Licensing Policy Working Group to consider the responses to the consultation and in due course make recommendations to the Licensing Committee and subsequently Full Council. This group consisted of the Chairman and two representatives from the Licensing Committee. In addition the Solicitor and the Licensing Manager were appointed to give assistance and guidance. The group submitted their recommendations to the Licensing Committee which was forwarded to Full Council for adoption.

CURRENT REVIEW

7. Cumbria Licensing Managers Group has discussed the current review. The trade and Responsible Authorities have appreciated the common policy adopted by the six authorities in previous years and would like to see this continue. The content has not been challenged by the judiciary or during any committee hearings.
8. The Licensing Managers Group met on 8th April 2015 to prepare a draft policy for consultation. This draft will be circulated for consultation to all Responsible Authorities and persons and organisations that were consulted in the original consultation. A letter will be sent to all Members of the City Council, placed on the Council web site and a press release will be made in a local newspaper.
9. With this in mind, it is recommended that a small local working group consisting of Members and Officers similar to that outlined in para. 6 above is formed. This group will consider the draft Licensing Policy Statement, taking into account any recommendations from the county group following consultation and prepare a report for the Licensing Committee and ultimate adoption of the Licensing Policy by the City Council.

RECOMMENDATION

7. Form a working group consisting of Members and Officers, to prepare a draft Licensing Policy for eventual approval of the City Council.

Contact Officer: Susan Stashkiw

Ext: 7025

Appendices None
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:Licensing Act 2003

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources –None

Report to Licensing Committee

Agenda
Item:

A.3

Meeting Date: 27 May 2015
 Portfolio: Finance, Governance and Resources
 Key Decision: Not Applicable:
 Within Policy and
 Budget Framework NO
 Public / Private Public

Title: GAMBLING ACT 2005 - UPDATE
 Report of: Director of Governance
 Report Number: GD 35/15

Purpose / Summary:

Local Authorities assumed responsibility for issuing premises licences under the Gambling Act 2005 on 1st September 2007. This report gives an update on the current position regarding applications made under this legislation.

Recommendations:

Members are requested to note the information.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

This report is presented to give an update on the Council's current position under the Gambling Act 2005.

1.0 **BACKGROUND**

- 1.1 The Gambling Act 2005 took effect on 1st September 2007, from which date this Council assumed responsibility for administering premises licences.
- 1.2 The main thrust of the legislation was that Local Authorities took over the responsibility for licensing gambling premises from the Licensing Justices. The Gambling Commission has responsibility for licensing operators and personal licence holders.

2.0 **LICENCE FIGURES - as at 12 May 2015**

2.1 **Adult Gaming Centres**

Previous Report	0
Current Licences	0
Surrendered/revoked	5

2.2 **Betting Premises (other than track)**

Previous Report	17
Current Licences	17
Surrendered/revoked	5

2.3 **Betting Premises (Track)**

Previous Report	2
Current Licences	2
Surrendered/revoked	0

2.4 **Bingo Premises**

Previous Report	3
Current Licences	3
Surrendered/revoked	0

2.5 **Unlicensed Family Entertainment Centre**

Previous Report	2
Current Licences	2
Surrendered/revoked	0

3.0 **OTHER LICENCES**

3.1 **Club Gaming Permit**

These are granted to member's clubs to permit specifically the playing of chemin de fer and pontoon (not blackjack) and to charge higher participation fees. The permit also allows the use of a variety of gaming machines including category B3.

Previous Report	8
Current Report	8
Surrendered/revoked	0

3.2 **Club Machine Permit**

Granted to Member's clubs to permit the use of gaming machines (as above) only.

Previous Report	6
Current Report	6
Surrendered/revoked	5

3.3 **Alcohol Premises - GamingMachine Permits/Notifications**

These are granted to alcohol licensed premises. Under the Gambling Act premises must give a notification of 2 machines or less, or a Licensed Premises Gaming Machine Permit for 3 or more machines, both of which last indefinitely (with certain conditions).

Notifications	85
LPGMP	17

3.4 **Small Society Lottery Registration**

Small Society Lottery Registrations are issued to charities or sports clubs who wish to raise money for their organisation where there is no private gain.

Previous Report	196
Current Registrations	198

4.0 CURRENT ISSUES

- 4.1 As ongoing enforcement, officers are visiting local gambling premises to meet managers and answer any queries under the legislation. We are also carrying out joint inspections with the Compliance Manager from the Gambling Commission.

5.0 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Susan Stashkiw **Ext:** 7025

Appendices **None**
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources –None

Report to Licensing Committee

Agenda
Item:

A.4

Meeting Date: 27 May 2015
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and
Budget Framework NO
Public / Private Public

Title: GAMBLING ACT 2005 –STATEMENT OF GAMBLING POLICY –
FORMATION OF WORKING GROUP
Report of: Director of Governance
Report Number: GD 33/15

Purpose / Summary

The main thrust of the Gambling Act 2005 was that the Gambling Commission would be responsible for issuing operating and personal licences and local authorities would issue premises licences. One of the duties of the local authority is for each three year period, to consult and publish a statement of its Gambling Policy. The first policy was published on 3 January 2007. The next version must be published by 3 January 2016. A county based Officer Working Group has prepared a draft policy statement in anticipation of the consultation..

Recommendations:

Form a working group consisting of Members and Officers, to agree a draft Gambling Policy for consultation and recommendation to the Licensing Committee and eventual approval of the City Council.

Tracking

Executive:	n/a
Overview and Scrutiny:	n/a
Council:	n/a

To the Chairman & Members of the Licensing Committee on 27th May 2015

Background

1. One of the major requirements for local authorities following the publication of the Gambling Act 2005 was the formulation and consultation on its “Statement of Gambling Policy”.
2. Section 349 of the Act reads:
 - (1) A licensing authority shall before each successive period of three years -
 - a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
 - b) publish the statement
 - (2) A licensing authority shall -
 - a) review their statement under this section from time to time,
 - b) if they think it necessary in the light of a review, revise the statement, and
 - c) publish any revision before giving it effect
 - (3) In preparing a statement or revision under this section a licensing authority shall consult -
 - a) the chief officer of police for the licensing authority’s area
 - b) one or more persons who appear to the authority to represent the interests 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 of the authority’s functions under this Act.
3. It is coming up to three years since the third policy was published and this must be reviewed and a new policy published by 3rd January 2016, to take effect on 31st January 2016.
4. For the previous policies, the Licensing Committee of this Council resolved to form a Gambling Policy Working Group to consider the responses to the consultation and make recommendations to the Licensing Committee and subsequently Full Council. This group consisted of the Chairman and two representatives from the Licensing Committee. In addition the Solicitor and Licensing Manager were appointed to give assistance and guidance. The group submitted their recommendations to the Licensing Committee which was forwarded to Full Council for adoption.

Current Review

5. The Licensing Managers Group met on 8th April 2015 to prepare a draft policy for consultation. This draft will be circulated for consultation to all Responsible Authorities and persons and organisations that were consulted in the original consultation. A letter will be sent to all Members of the City Council, placed on the Council web site and a press release will be made in a local newspaper

6. With this in mind, it is recommended that a small local working group consisting of Members and Officers similar to that outlined in para. 4 above is formed. This group will consider the draft Licensing Policy Statement, taking into account any recommendations from the county group following consultation and prepare a report for the Licensing Committee and ultimate adoption of the Gambling Policy by the City Council.

RECOMMENDATION

7. Form a working group consisting of Members and Officers, to prepare a draft Gambling Policy for eventual approval of the City Council.

Contact Officer: Susan Stashkiw

Ext: 7025

Appendices None
attached to report:

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: Gambling Act 2005

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's –None

Community Engagement – None

Economic Development – None

Governance – None

Local Environment – None

Resources –None

COMMITTEES / GROUPS NOT APPOINTED BY COUNCIL

The following Sub-Committees are appointed by the Licensing Committee:

It is suggested that each Member of the Licensing Committee is appointed as a Member and a substitute on one of the Licensing Sub-Committees. These groupings will enable all Members of the Licensing Committee to have a role as both a Member and a substitute on one of the Licensing Sub-Committees.

	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 1 (3)	1 Morton	1 Bell 2 Wilson		
	Sub: Layden	Sub: Cape Sub: Warwick		
	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 2 (3)	1 Layden 2 Shepherd	1 Franklin		
	Sub: Morton Sub: Parsons	Sub: Scarborough		
	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 3 (3)	1 Parsons	1 Cape 2 Stevenson		
	Sub: Bowman S	Sub: Bell Sub: Wilson		
	CONSERVATIVE GROUP	LABOUR GROUP	LIBERAL DEMOCRAT	INDEPENDENT GROUP
Licensing Sub-Committee 4 (3)	1 Bowman S	1 Scarborough 2 Warwick		
	Sub: Shepherd	Sub: Franklin Sub: Stevenson		

