

AGENDA

Licensing Committee

Wednesday, 14 October 2015 AT 14:15

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 Meeting

To agree the minutes of the meeting held on 27 May 2015.
[Copy Minutes in Minute Book 42(1)]

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.67/15 herewith)

A.2 GAMBLING ACT 2005 - UPDATE

9 - 12

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

(Copy Report GD.68/15 herewith)

A.3 END OF CONSULTATION DRAFT STATEMENT OF LICENSING
POLICY 2016-2021

13 - 76

The Licensing Manager to submit a report on the end of consultation for the draft statement of Licensing Policy.

(Copy Report GD.58/15 herewith)

A.4 END OF CONSULTATION DRAFT STATEMENT OF GAMBLING
POLICY 2016-2019

77 - 142

The Licensing Manager to submit a report on the end of consultation for the draft statement of Gambling Policy.

(Copy Report GD.59/15 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, Ms Patrick (sub), Stothard (sub), Miss Williams (sub)

**Enquiries, requests for reports, background papers,
etc to Democratic Services Officer: Rachel Rooney – 817039**

Report to Licensing Committee

Agenda
Item:

A.1

Meeting Date: 14th October 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 67/15

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 17 September 2015

2.1 Personal Licences

Previous Report - 1503

Current Licences – 1539

Total licences surrendered/revoked - 22

2.2 Premises Licences

With alcohol

Previous Report - 395

Current Licences – 395

Total licences surrendered/revoked - 138

Without alcohol

Previous Report - 79

Current Licences – 78

Total licences surrendered/revoked - 36

2.3 Club Premises Certificate

With alcohol

Previous Report - 21

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	87	

In response to a request for a breakdown of Temporary Events from last meeting, this year's events to date comprise of:

39 Charity/fund-raising events (School PTAs, young farmers, leek clubs etc.,)

These consist of a mixture of applicants with no one applicant being a majority.

26 Individual/private events (wedding receptions, 21st parties etc.,)

These consist of a mixture of applicants with no one applicant being a majority.

22 Licensed premises (extension of their current time limits)

A mixture again of applicants.

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

Pending applications – 14

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. This licence was issued 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 now last indefinitely.
- 3.5 Licensing holders have been contacted regarding this change and notified that should they wish their licence to be updated to show 'indefinite' rather than their expiry date, they could request a new licence at a cost of £10.50.
- 3.6 Since April of this year, to date there have been 44 amended licences issued.
- 3.7 Personal Licence holders are also under a legal duty to inform us if and when they change their address and again, we would issue an amended licence.

4 RECOMMENDATIONS

Members are requested to note this report.

Contact Officer: Susan Stashkiw

Ext: 7029

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: 14th October 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 68/15

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 17th September 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	1
Surrendered/revoked	1 (Carlisle United)

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 (the original version of the card game baccarat) 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	86
LPGMP	17 (Licensed Premises Gaming machine permit)

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 198

Current Registrations 190

4.0 **CURRENT ISSUES**

- 4.1 Licensing Officers are currently undertaking visits to gambling premises & licensed premises checks to ensure any 'crane grab' machines are correctly licensed under their permits as Category D machines, as now recommended by the Gambling Commission. This should be completed by 31st December 2015. Compliance inspections will also be carried out at the same time.

5.0 **RECOMMENDATIONS**

Members are requested to note this report.

Contact Officer: Susan Stashkiw

Ext: 7029

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.3

Meeting Date: 14th October 2015
Portfolio: Finance, Governance and Resources
Key Decision: KD25/15
Within Policy and Budget Framework YES
Public / Private Public

Title: END OF CONSULTATION DRAFT STATEMENT OF LICENSING POLICY 2016-2021
Report of: Director of Governance
Report Number: GD58/15

Purpose / Summary:

Under the Licensing Act 2003, one of the duties of the Local Authority is to consult and publish a statement of its Licensing Policy every 5 years (previously 3 yearly). The fourth statement must now be published by 7th January 2016 following a consultation process, which commenced on 29th June 2015 and ended on 18th September 2015. This Policy will be drawn up jointly between the Licensing Committee and Executive.

Recommendations:

1. Consider the responses to the consultation.
2. Consider the draft Statement of Licensing Policy and consultation responses received and discussed with the working group on 25th September 2015 prior to Executive agreement on 19th October 2015 with a view to adoption and publishing by 7th January 2016.

Tracking

Executive:	19 th October 2015
Overview and Scrutiny:	
Council:	10 th November 2015

1. BACKGROUND

1.1 The Licensing Act 2003 requires that the Council consult and formulate its "Statement of Licensing Policy".

1.2 Paragraph 5 of the Act reads: Statement of Licensing Policy: Each licensing authority must in respect of each three year period

- a) determine its policy with respect to the exercise of its licensing functions and;
- b) publish a statement of that policy (a licensing statement) before the beginning of the period.

1.3 Since the Council last published its Licensing Policy, the relevant Policy period has been extended from three to five years. In addition, Care Trusts and the Council itself are now deemed to be 'responsible authorities' for the purpose of the legislation, thus being able to make representations in the same manner as, say, the Police. The legislation has been further amended so that 'interested parties' are now 'everyone'.

1.4 Before determining its policy for a five year period, the licensing authority must consult with:

- a) the chief officer of police for the licensing authority's area
- b) the fire authority for that area
- c) all other responsible authorities
- d) 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
 - iv) The public

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. Responsibility for the formulation of the Licensing Policy rests jointly with the Executive and the Licensing Committee.

1.5 During the original consultation in 2004, a county wide officer working group was formed to discuss the possibility of a common policy. Whilst it was appreciated that each authority is autonomous, there would be clear advantages if the greater part of the policy was consistent throughout the county. All six authorities adopted the final draft of the policy with only minor differences to recognise local circumstances. A similar procedure was followed in 2007 and 2010.

2. Current Review

2.1 On 8 April 2015 the first meeting of the county wide officer working group met to discuss the consultation process and commence the statement. It was agreed that consultation would take place between 29 June and 18 September 2015.

2.2 The draft Policy statement was prepared and set out the four main purposes:

- a. To provide Members of the Licensing Committee with a decision making framework. (The policy will be taken into account at any hearing following representations).
- b. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.
- c. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties if making representations in relation to various applications.
- d. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived to its licensing decisions.

2.3 The draft outlined the scope of the policy and the Authority's duty to promote the four licensing objectives.

2.4 The draft carried forward information from previous policies but also includes a range of other legislation which is relevant to the provisions of the Act, including:

- a) The Police Reform and Social Responsibility Act 2011 amended Temporary Events Notices and introduced late TENS.
- b) The option of introducing a Late Night Levy
- c) The option of introducing an Early Morning Restriction Order
- d) The deregulation of certain activities including live and recording music between the hours of 08.00am and 23.00 which came into force on 1st October 2012 under the Live Music Act 2012.
- e) From 1 April 2015 it is also no longer necessary to renew a Personal Licence. Section 115 of the Licensing Act 2003 has been amended by section 69 of the Deregulation Act 2015, removing the requirement to renew personal licences. All new licences issued after this date will be issued for an 'indefinite period'

2.5 The draft set out The Council's administration, exercise and delegated functions and includes details of our enforcement policy.

2.6 Consultation has now ended with the trade, responsible authorities, council members and individuals. The draft was also advertised in the local newspaper and on our website.

2.7 On 25th September 2015, the Licensing Working Group met to consider the consultation responses, along with the Licensing Committee on 14th October 2015.

2.8 A further county wide meeting of Licensing Authorities met on 21st September 2015 to collate responses.

3. NATIONAL CONSULTATION RESPONSES RECEIVED

- 3.1 Letter received 6th July 2015 from Martin Slowe Property Services Ltd., (on behalf on their client, ' Workstones Ltd.,') that states: that 'the Council should review the Licensing Policy so that every premises should close at midnight, as this would make life much easier for the Police and establish sensible control over anti-social behaviour'. (**Appendix A**)

Licensing comments:

The Licensing Act 2003 introduced flexible opening hours for licensed premises, with the potential for up to 24 hour opening, seven days a week. This flexibility is intended to minimize public disorder resulting from standard closing times. The Council has set out its range of enforcement services aimed at safeguarding the environment and community and at providing a level playing field on which businesses can trade fairly. It works closely with all Responsible Authorities. It further sets out its policy on cumulative Impact Policies, EMROS and Late Night Levy's if there was sufficient evidence to support the future need for these.
no amendment is necessary to accommodate this response.

- 3.2 Email received from British Board of Film Classification – asking us to amend guidelines and helpline link. (**Appendix B**)
Statement has been updated.

4. LOCAL CONSULTATION RESPONSES RECEIVED

- 4.1 Email received from Mr D M Ward (**Appendix C**) concerning:

Pavement licences: Does the Policy require the Council to publish & keep a list of these & commenting that there needs to be more pro-active monitoring of these.

Licensing comments:

The Licensing Act does not require the council to publish a register of these. CCMT grant & monitor.

Para 11: Cumulative Impact Policy – strongly disagrees with 11.5 & questions why Carlisle is not adopting such measures when other cities are?

Licensing comments:

To introduce a CIP would be as a result of identifying an area that has increased crime & disorder – Police have forwarded figures of crime & Disorder both in the Botchergate area and Devonshire Street area and these figures suggest there has been a consistent decrease in figures reported from 01/01/12 to date. The Council will take any request seriously if accompanied by documented reasons and figures to support a request.

Para 5.6 – Prevention of Public Nuisance – commenting that Devonshire St residential area needs protection from noise etc.,

Licensing comments:

Any reports of public nuisance are investigated by Environmental Protection. A recent noise nuisance issue was addressed at Moo Bar successfully after first report. Licensing and EP do not receive many reports of this nature from this area, but fully investigate when appropriate to do so.

Para 12: Late night levy – asking if the Council take assaults into account & asking for LNL to be applied.

Licensing comments:

A Late Night Levy should only be introduced where it can be demonstrated that there is significant alcohol related anti-social behavior issues within the night time economy and where existing controls have failed. A levy must not be used as an income generation stream. Police have many controls in place such as dispersal orders.

A Local Authority will normally explore the possibility of introducing a levy at the request of the Police. Present figures suggest there is not data demonstrating the need for the levy.

The Home Office is currently undertaking a survey regarding the take up of LNLs & the information collated from this will help them to review local tools and powers to help address issues associated with the night time economy.

Para 13: EMRO - Can the council look into considering this.

Licensing comments:

Again, we need to be satisfied that an EMRO is appropriate in a particular area for the promotion of the licensing objectives. Similar to LNL, figures relating to crime & disorder do not show such a need at present.

no amendments to the statement are proposed with a full explanation of the Council's view on all matters be sent to Mr Ward and thank him for his response.

5. COUNTY LICENSING AUTHORITIES RESPONSES AND AMENDMENTS

3.4 bullet point 6:

- Confiscation of alcohol from adults and children in designated areas and dispersal powers

Amended slightly to:

3.4 Confiscation of alcohol from adults and children in areas protected by Designated Public Place Orders, Public Space Protection Orders and dispersal powers

5.8 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a cure-all for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Police, the Fire

Authority, the Health Authority, local businesses and local people towards the promotion of objectives as outlined.

Amended slightly to:

5.8.1 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a cure-all for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, the Responsible Authorities, the Health Authority, local businesses and local people towards the promotion of objectives as outlined.

6.6 Applicants should produce a Criminal Records Check certificate within 1 calendar month, within the application form. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or similar offence.

Amended slightly to:

6.6 Applicants should produce a Disclosure and Barring Services Certificate (formally known as Criminal Records Check certificate) within 1 calendar month, with the application form. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or similar offence.

CONCLUSION AND REASONS FOR RECOMMENDATIONS

To agree the amendments discussed with the working group prior to the Policy being recommended to Council on 10th November 2015 and publishing on 7th January 2016.
See proposed amended Policy – Appendix D

Contact Officer: Sue Stashkiw
Licensing Manager

Ext: X 7029

Appendices attached to report: Appendix A – Consultee response dated 6th July 2015
Appendix B – Consultee response dated 9th Sept 2015
Appendix C – Consultee response dated 9th Sept 2015
Appendix D – Proposed amended Policy

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:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance –

Local Environment –

Resources - The financial implications of adopting this policy can be accommodated from within existing base budgets.

Mr SJ Stashwic
Licensing Manager
Carlisle City Council
Civic Centre
Carlisle
Cumbria CA3 8QG

6th July 2015

Our Ref: Botcher

Dear Mr Stashwic,

Re: Review of Statement of Licensing Policy 2016 Draft

Further to your letter of the 23rd June please note our new address as per our letterhead.

Our clients view is that you should review the licensing policy so that every licence premises should close by midnight, this would make like much easier for the police and establish sensible control over anti-social behaviour.

Yours sincerely,

MARTIN SLOWE



Cc; KM PD

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)
Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023
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Workstone Limited
Star House
104/108 Grafton Road
London
NW3 0JJ

Enquiries to: Sue Stashkiw
Direct Dial: 01228 817523
Susan Stashkiw

23 June 2015

Dear Sirs

Review of Statement of Licensing Policy 2016 Draft

In accordance with the terms of the Licensing Act 2003, the Council's Statement of Licensing Policy has to be reviewed every five years. The current Statement of Licensing Policy came into effect in January 2011 and must, therefore, now be reviewed and a revised statement published by January 2016.

The six district Councils within Cumbria (Allerdale, Barrow, Carlisle, Copeland, Eden and South Lakeland) have recognised that many local and national businesses in the leisure industry have undertakings across the county and it is helpful if the approach to licensing matters is consistent from one licensing authority to another. They have, therefore, worked together in partnership, to produce a common revised draft licensing policy, which sets out how each of the six Councils will undertake their duties towards licensing alcohol, entertainment and late-night refreshments, over the next five years. A copy of the draft policy that this council has produced and consultation form can be viewed at http://www.carlisle.gov.uk/business/licensing/liquor_entertainment.aspx or can be obtained, upon request, from the licensing office.

The document recognises that the licensed leisure and entertainment industry is important to the social and economic life of the area, and seeks to establish "sensible controls and appropriate guidance" to help prevent and deal with anti-social problems which can arise from licensed activities. It takes account of the guidance issued under Section 182 of the Licensing Act 2003, together with the experiences of all six Councils as licensing authorities.

All representations will receive due consideration prior to the final draft being placed before Full Council for adoption. If you wish to make any comments on any of the aspects of the revised draft policy it would be appreciated if you could please use a "Consultation Response Form" also available on our Website.

Responses to the consultation must be returned to this office either by post or by email to licensing@carlisle.gov.uk no later than 18th September 2015.

Please contact this office if you have any queries on the consultation.

Yours faithfully
SJ Stashkiw
Licensing Manager

Susan Stashkiw

From: Licensing (Carlisle)
To:
Subject: RE: Licensing Consultation

Dear Graham,

Many thanks for your help on this, I can confirm that these amendments have now been made.

Kind regards,
 Sue

Sue Stashkiw
 Licensing Manager
 Carlisle City Council
 01228 817029
Susan.stashkiw@carlisle.gov.uk

From:
Sent: 09 September 2015 16:14
To: Licensing (Carlisle)
Subject: Licensing Consultation

Dear Sir or Madam

We read Carlisle City Council's draft Statement of Licensing Policy 2016-2021 with interest. May we suggest two small amendments in relation to weblinks provided for the BBFC, as follows?

- p.32 - the URL leading directly to the BBFC's Guidelines is <http://www.bbfc.co.uk/what-classification/guidelines> rather than www.bbfc.co.uk
- p.39 - the correct URL for the BBFC Helpline is helpline@bbfc.co.uk rather than hrpline.bbfc.co.uk
-

Many thanks,
 Graham Hill
 Graham Hill
 Policy & Public Affairs Officer
 3 Soho Square
 London W1D 3HD



--- Disclaimer ---

The contents of this email may be confidential. If you have received this email in error please delete it and inform the sender by return.

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Visit the [BBFC web site](http://www.bbfc.co.uk)

STOP : Do you really need to print this email or any attachments? Please consider your environmental responsibilities, reduce, reuse and recycle where possible. Thank you.

Susan Stashkiw

From: Licensing (Carlisle)
Sent: 09 September 2015 11:30
To:
Subject: RE: RE: statement of licensing policy-draft-comments from David M Ward

David,

I have Late Night levy on my list from your previous email that will be discussed with the working group & will include this additional information.

Many thanks,

Sue

LNL

From: DAVID WARD [mailto:davidmward1@btinternet.com]
Sent: 09 September 2015 10:08
To: Licensing (Carlisle)
Subject: Re: RE: statement of licensing policy-draft-comments from David M Ward

Sue

thankyou for your e-mail.

One additional point I would like to make (and could you attach to my comments) is that Carlisle should consider a late night levy for Botchergate...as per extract below it is becoming more commonplace and supports the cost of policing/monitoring/cleaning up an area such as Botchergate.

I would suggest that the council/licensing panel assess how much monies could be brought in by such a levy

Also the public consultation would be welcome and show enagement with the wider community of Carlisle

Late night levy proposed for East Yorkshire: East Riding of Yorkshire Council is considering introducing a late night levy across the county. The authority is proposing to force pubs, bars and clubs to pay for the extra policing and licensing costs it says that late opening causes. The proposal, which is due to be discussed by the council's safer and stronger communities overview and scrutiny sub-committee tomorrow (Thursday, 10 September), said a post-1am levy would see 650 licensees pay between £209 and £4,440 a year, depending on their business rates and whether they are in a council accreditation scheme. If the levy was effective from midnight, a further 202 premises would be affected. In a written report, the council's director of environment and neighbourhood services Nigel Leighton said such levies elsewhere looked to have been effective in raising money, but said their impact on crime and disorder was not yet clear. He said 70% of any revenue would go to the police and suggested the council seek an assurance from Humberside Police that the extra income would be used on late-night policing before introducing any levy. Council projections suggest a post-1am levy could make £104,000 a year for the police and £45,000 a year for the council. If the council agrees to impose a levy, it would be subject to public consultation. Newcastle, Cheltenham, Islington in London, Nottingham, Chelmsford and Southampton have all introduced such levies.

-----Original message-----

From : Licences@carlisle.gov.uk
Date : 03/09/2015 - 12:27 (GMTDT)
To :
Subject : RE: statement of licensing policy-draft-comments from David M Ward

Mr Ward,

Thank you for your comments. These will be put forward to the working group after the consultation has ended, along with other responses to be considered.

I can confirm that the Licensing Act does not require the council to keep/publish a list of pavement licences. These licences are issued by the City Centre Management Team & Legal services department & I will forward your question on to them to respond to.

Kind regards,

Sue Stashkiw
Licensing Manager
Carlisle City Council
01228 817029
Susan.stashkiw@carlisle.gov.uk

From: DAVID WARD
Sent: 31 August 2015 22:07
To: Licensing (Carlisle)
Subject: statement of licensing policy-draft-comments from David M Ward

Sir/Madam

please find set out below my principal concerns re the draft statement of licensing policy.

PAVEMENT LICENCES

Para 4.4 Can you confirm whether the Act requires the council to keep/publish a list of pavement licences held as I cannot see this on the licence section of the website.

Also, in my experience, such licences are often ignored with operators ignoring the requirement for such licences and/or not ensuring that the terms of the licence are abided by- say having the requisite barriers/operating within the permitted curtilage.

There needs to be a more proactive monitoring of this aspect of the pavement licences.

Para 11 CIPS

This aspect needs to be considered much more fully/carefully and I disagree strongly with the sentiments of para 11.5.

As you will note from the following article (<http://www.telegraph.co.uk/news/uknews/law-and-order/11308576/Alcohol-saturated-areas-soar-as-measures-fail-to-dilute-late-night-drinking-culture.html>) there is increasingly a need/desire from the relevant population to control the number of takeaways/licensed premises.

In Carlisle this is in particular in Botchergate and in Carlisle.

To have the main Southern end of Carlisle blocked off to cater for a minority is an affront to the (majority of) people of Carlisle.

My question is why are all these other cities adopting such measures.....but Carlisle isn't are we really that different? or just behind the curve?

<http://www.newsandstar.co.uk/news/botchergate-barriers-should-have-been-removed-not-replaced-1.1099302>

<http://www.newsandstar.co.uk/news/county-council-treating-carlisle-with-contempt-over-botchergate-barriers-claim-1.1003521>

Additionally the Devonshire Street area of Carlisle needs protected for the increased residential element of this street-(where the needs of residents need protected more- as set out in para 5.6- do we really need such late night licences???)

PUBLIC NUISANCE - DEVONSHIRE ST

In many cities any new applicant for a licence in say Botchergate (and the Crescent) and/or Devonshire Street/Lowther Street area need to be able to demonstrate that they will not affect the area-i.e. the onus is on the applicant- not on the population of Carlisle/the licensing authority.

This is particularly important as you will note get households moving back into the core of our city (say in flats over shops) if they cannot sleep due to all the noise!!

Para 12

LNL

Given the above, and that my understanding is that it is the Botchergate area of Carlisle that absorbs police time on an evening/weekends (I am constantly reading about various serious assaults that take place in Botchergate in the News and Star....are these monitored/details supplied/reviewed by the licensing panel?) etc that I can see no reason, in these austere times, why a late night levy cannot be applied to Botchergate.

We need a combination of carrot and stick in this area- and the late night levy would encourage these licensed premises to get their house in order...and in turn help the police (and ambulance service)

ST PASTORS

On this note I have read about the role of the street pastors in Botchergate <http://www.carlislestreetpastors.org.uk/> which is quite humbling but at the same time testament to the drink (and drug) fuelled atmosphere in this area- it needs to be sorted.

Separately with the new Cumbria County Council offices being constructed- do we really need these offices (and their workers) to have to deal with aftermath of the Botchergate weekend?

Para 13

EMROS

Given Botchergate is 'broke' in terms of having a drink/takeaway fuelled culture- can the council not consider trying an EMRO? What is the worst that can happen if it seen as being proactive????

Most people who care about Carlisle will applaud the licensing authority

Overall

Having a draft licensing policy is all well and fine- but what we need to work on as a city/council/licensing authority is a greater consideration as to 'what we/they are trying to achieve' and being more proactive.

Botchergate is a mess that needs sorted.

Devonshire Street/Lowther Street (and Lowther Arcade and surrounding area) is becoming, even more, overflowing with pubs. (I note that a new pub has just opened on the Crescent and a new pub is planned for Lowther Arcade and it is not long since the new pub opened where Carrs the jewellers once was)

Public nuisance/disorder is resulting....late night noise is awful

The tools to resolve some/all of the above are in the draft policy- but the panel need to use these tools to improve our city.....just as other councils are doing in their respective city's.

As needs be I am more than happy to discuss any aspect of the above.

Please just e-mail me/call me on

Regards

David M Ward

Carlisle City Council's priorities are the local environment and the local economy

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'Alcohol saturated' areas soar as measures fail to dilute late-night drinking culture

Official figures show number of problem alcohol areas has jumped, while Government measures to crack down on 'booze'-fuelled problems have had little take-up

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Home Office figures revealed there are now more “cumulative impact areas” Photo: Christopher Pledger



Thrilling driving in the Noble M600

Watch former Top Gear Stig Ben Collins taking the Noble M600 for a few tyre-squealing laps
Sponsored by Michelin



By David Barrett, Home Affairs Correspondent

7:00AM GMT 26 Dec 2014

 [203 Comments](#)

The number of towns and cities which are officially “saturated” with alcohol has rocketed by a third in just two years.

Home Office figures revealed there are now 208 “cumulative impact areas” blighted with so many pubs, bars and nightclubs local councillors are refusing to grant any more licences. There were just 160 in 2012, a 30 per cent increase.

Official figures disclosed the total number of alcohol premises licences in England and Wales is at a high, with 204,300 or more than 2,000 more than when the Coalition came to power.

The number of takeaways and other late-night eateries holding late licences to cater for revellers has also reached a new peak.

There were 87,700 with a “late night refreshment” licence – required to serve hot food between 11pm and 5am - a surge of 1,200 in a year and more than 6,000 more than there were five years previously.

Related Articles



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23 Oct 2013

Police have expressed concern that **trouble often flares** as binge drinkers leave the clubs and bars and queues at **kebab** shops and other fast food joints since the Labour government relaxed licensing laws in 2003.

The Local Government Association said the figures showed alcohol laws needed a total overhaul, and demonstrated how measures created in a series of licensing Acts have proved too unwieldy to be effective.

The cumulative impact areas are an official category used by local authorities, which are also known as “saturation zones” or “stress areas”.

They are used to designate areas where alcohol-fuelled disorder or public nuisance is so severe that no new drinking establishments will be allowed, and existing premises will be banned from extending their hours or other capacity.

In England and Wales overall the total number of alcohol licences - held by establishments and landlords – has topped 800,000 for the first time.

There were 204,300 premises licences in force at the end of March, up 300 on the previous year and 15,400 club licences, a small fall year-on-year.

There were 581,000 “personal” licences held by pub and club managers and others, up nearly 34,000, marking a change in the way licences operate.

There was also a significant rise in the number of supermarkets licensed to sell alcohol around the clock.

At the end of March 2,200 supermarkets and stores held 24 hour licenses, up 100 year-on-year.

The number of pubs and clubs with the controversial licence to serve all day remained static at 1,000, while there was a fall in other categories such as hotels.

Professor Sir Ian Gilmore, chairman of the Alcohol Health Alliance, expressed concern about the figures.

"We are awash with outlets selling cheap drink," he said.

"I don't think actually the general public is in favour of this and I don't think they know what to do about it.

"It beggars belief you can buy a bottle of wine at a garage at 2am in the morning.

"The whole direction of policy is in deregulation, to make alcohol an ordinary product just like soap powder rather than realising it is a drug of dependence"

Sir Ian said clubs staying open until 5am in the morning selling alcohol were not the problem.

"The problem is supermarkets, convenience stores, small shops and petrol stations selling cheap drink. That is driving this problem."

The data also revealed how measures originally intended to combat binge drinking are having little impact.

There were no “early morning alcohol restriction orders” in force at the end of March anywhere in England and Wales.

They were created in 2003 to allow town halls to restrict alcohol sales in their areas between midnight and 6am if there was a problem with drink-related disorder.

Another Home Office measure allowing local authorities to impose a “late night levy” on licensed premises has only been taken forward in one city.

Newcastle City Council imposed a £300,000 charge on its city centre venues to help pay for the impact of revellers.

But nowhere else in the country has made use of the legislation, which was introduced with fanfare by the Coalition in the Police Reform and Social Responsibility Act 2011.

Police receive 70 per cent of the levy and the rest can go to fund other activities such as council marshals and cleaning.

Ann Lucas, chairman of the Local Government Association's safer and stronger communities board, said: "This document reinforces the LGA's position that licensing is in need of reform.

"Councils want to use every tool in their armoury to protect residents, but these figures show that not every tool is easy to use.

"Councils are being hamstrung by the current systems for implementing early morning restriction orders and late night levies, which are unwieldy, bureaucratic, and extremely costly and time consuming.

"Local authorities are forced to hold numerous hearings, and call scores of witnesses as a result of multiple representations by the alcohol industry.

"However, residents, who do not have access to expensive lawyers, struggle to be heard because of the number and complexity of forms that they must fill out."

She went on: "Late night levies must be introduced across councils' entire areas, which makes it extremely difficult to target them effectively.

"There is a better way, such as allowing councils to revoke personal licences where a licence holder has behaved irresponsibly or inappropriately.

"At the moment, there is no central database of licence holders so a person who has been barred from running a premises in one area can simply move to a neighbouring area and restart their business.

"Equally valuable would be enabling councils to set licence fees locally, thereby ending 'subsidy' to industry – which amounts to well over £150 million since the Licensing Act was introduced a decade ago.

"This is money that could be spent on providing businesses with advice on how to better comply with their licences and taking action against those who wilfully ignore that responsibility."

County council 'treating Carlisle with contempt' over Botchergate barriers - claim

By Julian Whittle

Last updated at 12:49, Wednesday, 10 October 2012

A storm is brewing over proposals to get rid of the barriers that close Carlisle's Botchergate to traffic on Friday and Saturday nights.



Elsie Martlew

Labour city councillor Elsie Martlew has asked Cumbria County Council to remove the gates, which she says make Botchergate look like Belfast at the height of the troubles.

Her request is due to be considered today by a county highways and transport working group.

But Mrs Martlew claims the county council has not taken her seriously.

She said: "I went through the agenda papers with a fine-tooth comb.

"There is a 10-page report on traffic issues in Crosby-on-Eden and six pages on a bus stop in Currock.

"There is one line on Botchergate. All it says is, 'A6, request to reconsider requirement for Botchergate night-time closure'.

"That is the county treating the city council with utter contempt.

"This is a serious issue. They should have researched it thoroughly.

"All I want is a full and detailed debate. Then I can accept the outcome, whatever that is."

Mrs Martlew is a Labour councillor for the city-centre Castle ward.

She is also the city council's environment portfolio holder and sits on the county's highways working group as the city council representative.

Conservative John Mallinson, who chairs the working group, spent a Saturday evening in September observing behaviour in Botchergate with a view to reporting his findings at today's meeting.

He said: "There was no intention to treat the city council with contempt, it was just a question of getting it on the agenda.

"Having seen the gates in operation and having spoken to police officers, door staff and the public, I am persuaded that the gates keep people safe.

"The atmosphere changes completely and becomes much more relaxed when the gates are closed.

"And I say that as one of the people rather sceptical about putting the gates there in the first place."

The county council installed the gates in 2008 at the request of the police following a fatal accident.

Initially, they were closed from 9pm on Thursdays, Fridays and Saturdays until 5am the next day.

Thursday-night closures were dropped the following year but the Friday and Saturday closures continued.

Police reported that complaints about anti-social acts fell 16 per cent the year after the gates arrived.

But Mrs Martlew says they are "brutal" and give the impression that Botchergate is a no-go area.

She said: "They are ugly and they remind me of Belfast in the 1970s."

First published at 12:29, Wednesday, 10 October 2012
Published by <http://www.newsandstar.co.uk>

Welcome to Carlisle Street Pastors ...

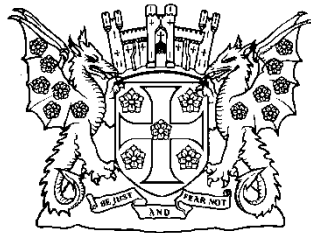
Carlisle Street Pastors is part of the national Street Pastor network - we have been engaging with people on the streets of Carlisle since Saturday 5th June 2010.

We currently have 23 active street pastors and 18 prayer pastors, with our age ranging from 18 – 78.

"I absolutely embraced the chance to work with the Pastors and welcomed them onto Botchergate for the first time and have witnessed their patrols many times during the first eight months. They have all gone through a standardised and professional training programme and with their recognisable uniform have become a reassuring presence in the city on a Saturday night. The Pastors' remit was always to act as caring eyes and ears, performing acts of kindness, looking after people's welfare, especially during the early hours when alcohol can leave people especially vulnerable. However their role has extended far beyond that. Police patrols can now contact the pastors to assist the vulnerable and the Pastors themselves are alert to safety issues and have removed 460 bottles and 121 glasses, sometimes as many as 64 in one evening, from potentially dangerous locations within the City centre. This has undoubtedly prevented these being used as weapons or causing accidental injury. The presence of the Street Pastors is always very well received by people on Saturday night, and they have brought with them a visibly calming influence."

Inspector Di Bradbury (City Centre Neighbourhood Policing Team, June 2010)

CARLISLE CITY COUNCIL



Licensing Act 2003

Statement of Licensing Policy

For the period 2016-2021

English

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1.0	Introduction.....	3
2.0	Purpose of Policy	4
3.0	Scope of this policy	5
4.0	General matters.....	5
5.0	Licensing objectives.....	8
6.0	Personal licences	12
7.0	Applications	13
8.0	Review of Premises Licence and Other persons.....	16
9.0	Temporary Event Notices (TEN's).....	20
10.0	Live Music Act 2012.....	21
11.0	Cumulative Impact Policy	22
12.0	Late Nigt Levy.....	24
13.0	Early Morning Restriction Orders (EMRO)	24
14.0	Enforcement	27
15.0	Administration, Exercise and Delegation of functions.....	28
	Appendix 1 – Table of Delegated functions.....	29
	Appendix 2 – Appeals procedure	30
	Appendix 3 – Guides of Best Practice.....	32
	Appendix 4 – List of Consultees.....	34
	Appendix 5 – Application addresses	37-39

1 Introduction

- 1.1 Welcome to Carlisle City Council's Statement of Licensing Policy. It will apply for a maximum of five years. The policy will be kept under review and may be revised in light of experience or revisions to guidance issued under section 182 of the Licensing Act 2003.
- 1.2 Carlisle is the largest city in England by area with a population of over 100,000. The city is at the northern extreme of the North West of England only 10 miles from the border with Scotland and is the urban capital of the county of Cumbria.
- 1.3 Carlisle dominates a huge area of geography with its nearest city neighbors being Newcastle 58 miles to the East, Glasgow 96 miles to the North, Lancaster 68 miles to the South with the Irish Sea to the West. Carlisle is easy to get to and the perfect Centre to explore further afield, with the Lake District right on its doorstep.
- 1.4 Carlisle has a thriving daytime, evening and night-time economy and is the base for many culture and leisure activities. There are approximately 2,500 businesses and people associated with the Licensing Act provisions. Licences include supermarkets, restaurants, public houses, off-licences, nightclubs and takeaway outlets. These are based in venues ranging from village halls and small public houses in the rural area to community centres and nightspots in the city centre.
- 1.5 The Licensing Act 2003 requires Carlisle City Council as the Licensing Authority, to prepare and publish a statement of Licensing Policy. The policy sets out principles that the Council generally applies to promote the licensing objectives when making decisions on applications made under this act. An extensive consultation exercise was held before the policy was published.
- 1.6 The Council is committed to developing Carlisle's regional status and appreciates the importance leisure businesses have for the local economy. The Council's policies and priorities aim to reflect the needs and aspirations of existing and new local businesses. The thriving food, drink and entertainment businesses in the area are an important part of the local economy and this policy is critical to their continuing success and for attracting further investment and opportunity to the area. Balanced against this are the Council's legal duties with regard to public safety, nuisance and commitment with its partners to reducing crime and fear of crime.
- 1.7 It is also important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the area safely and free from nuisance. The Council values its younger people and is active in ensuring they are offered a wide

range of opportunities and experiences to develop while seeking to protect them from harm.

- 1.8 Guidance such as the Licensing Policy aims to advise businesses and individuals on how they can develop, as well as clarifying the national licensing legislation.
- 1.9 If you require further information on the Licensing Policy please contact our Licensing Section.

2 Purpose of Policy

- 2.1 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of this licensing policy every five years. Such a policy must be published before the authority carries out any function in respect of individual applications made under the terms of the Act. This is the fourth review our Licensing Policy and following a public consultation Carlisle City Council resolved to approve the revised policy on the 10 November 2015 to be effective from 7 January 2016 for the next five years.
- 2.2 This policy statement has amongst other things, four main purposes:
 1. To provide Members of the Licensing Committee with a decision making framework. The policy will be taken into account at any hearing following representations.
 2. To inform applicants of the parameters within which the Authority are able to make licensing decisions and allow them to take this into account when making applications.
 3. To provide guidance to local residents and businesses of the boundaries within which the Licensing Authority will make licensing decisions. This will assist those parties when making representations in relation to various applications.
 4. To support the Licensing Authority if it has to demonstrate in a court of law how it arrived to its licensing decisions.
- 2.3 The policy will be kept under review and the Licensing Authority will if necessary, after appropriate consultations, make such revisions to it as may be considered appropriate. Any amendments will be incorporated in the licensing statement after each review.

3 Scope of this policy

- 3.1 The Council as the Licensing Authority is responsible for authorising licensable activities, the issue of personal licenses and other matters set out in the Act within this district. This policy relates to all those licensable activities identified as falling within the provisions of the Act, namely:

- Retail sale of alcohol
 - Supply of alcohol by or on behalf of club members
 - Provision of regulated entertainment under certain circumstances i.e. entertainment (unless exempted by the Act) which is provided for the public, club members or for consideration with a view to profit.
 - Supply of late night refreshment being supply of hot food and/or hot drink from any premises (subject to any statutory exemption) including food stalls, between 23:00 hours and 05:00 hours.
- 3.2 In addition to the above the Act also makes the provision of licensing individuals to sell alcohol (personal licences); the permitting of certain licensable activities on a temporary basis (temporary event notice); and provisional statements.
- 3.3 A minority of consumers will behave badly and unlawfully once away from premises, and it would be unreasonable to expect licence holders to have control over these individual people.
- 3.4 The Licensing Authority recognises that the Act is not a cure-all for all anti-social behaviour. There is a breadth of other strategies for addressing these problems, for example:
- Planning controls
 - Powers of local authorities to designate parts of the local authority areas as places where alcohol may not be consumed publicly
 - Powers of Police and Local Authorities under the Anti-Social behaviour legislation
 - Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
 - The prosecution of any personal licence holder or member of staff selling alcohol to people who are drunk
 - **Confiscation of alcohol from adults and children in areas protected by Public Space Protection Orders and dispersal powers**
 - Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises.
 - The power of the Police, other responsible authorities or other person to seek a review of the licence or certificate
 - Promotion of positive activities.

4 General matters

- 4.1 All references to the “the Act” in this document shall be deemed to mean “Licensing Act 2003” unless otherwise stipulated.
- 4.2 Carlisle City Council is the Licensing Authority for this district under the terms of the Act who are responsible for determining all applications for licensable activities, as defined in Section 1 of the Act.

- 4.3 The Licensing Authority recognises that it operates services who act as 'Responsible Authorities' i.e. Environmental Health, Planning, Police, Licensing Authority and the local authority's Director of Public Health, who are able to make representations on any licence application submitted under the terms of the Act. The Licensing Authority will treat these submissions with the same consideration as any other representations have regard to the terms of the Section 182 Statutory Guidance on this Licensing Policy for the purpose of the Act, Cumbria County Council's Safeguarding and Review team is the responsible authority in relating to the protection of children from harm.
- 4.4 The Act requires the Licensing Authority to keep a register containing a record of each premises licence, club premises certificate, personal licence issued and temporary event notice received and in doing so this will have regard to the information set out in Schedule 3 of the Act.
- 4.5 To comply with this requirement our register may be accessed on line by using the following link
http://www.carlisle.gov.uk/business/licensing/public_registers.aspx

Disclaimer

- 4.6 Advice and guidance contained in the Statement of Licensing Policy is intended only to assist readers and should not be interpreted as legal advice or as constituent of Carlisle City Council's Statement of Licensing Policy. Readers are strongly advised to seek their own legal advice if they are unsure of the requirements of the Licensing Act 2003 or of the Guidance or Regulations issued under the Act.

Consultation

- 4.7 There are a number of groups which have a stake in the leisure industry, including providers, customers, residents and enforcers, all of which have views and concerns that require consideration as part of the licensing function and promotion of the licensing objectives.
- 4.8 In developing this policy statement, the Licensing Authority consulted widely. Along with the statutory consultees (the Responsible Authorities), the views of existing license holders, businesses, voluntary groups and residents were also taken into account. Due consideration was given to the views of all those who responded to that consultation process.

Links to other Strategies

- 4.9 In preparing this Statement of Licensing Policy, the Licensing Authority has had regard to and consulted with those involved in Carlisle City Council's local strategies on crime prevention, planning transport, culture, tourism, community, eGovernment and economic development, to ensure the proper co-ordination and integration of the aims and actions of these policies. Review and amending of these strategies will be considered for their impact upon this Statement of Licensing Policy.

- 4.10 Where appropriate, the licensing authority will co-ordinate and liaise with the planning authority and will provide information regarding licensed premises in the area, including evidenced alcohol related crime and disorder information where available, to enable Planning Committee to have regard to such matters when making decisions.

Planning and Building Control

- 4.11 The Licensing Authority will ensure that planning, building control and licensing regimes will be separated to avoid duplication and inefficiency.
- 4.12 The licensing authority would normally expect that applications for premises licenses for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, the licensing authority acknowledges that applications for premises licences or club premises certificates may be made prior to any relevant planning permission having being sought or granted by the planning authority. Applicants would be expected to ensure that all relevant permissions are obtained.
- 4.13 The licensing authority recognises that licensing applications should not be a re-run of planning applications nor should they cut across decisions taken by planning committee or following appeals against decisions taken by the Council's planning committee. The licensing authority's licensing committee will not be bound by decisions made by the Council's planning committee and vice versa.
- 4.14 Where the granting of any variation to a premises licence or club premises certificate involves a material alteration to a premises, the licensing authority would expect the applicant to apply for relevant planning permission or building control consent where appropriate.
- 4.15 The Licensing Authority recognises that when, as a condition of planning permission a terminal hour has been set for the use of the premises for commercial purposes, and where these hours are different from the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

Special Events in the Open Air or in Temporary Structures

- 4.16 The promotion and the organisation of live musical and similar entertainment in the open air or in temporary structures like marquees etc. can provide opportunities for community involvement, civic pride and can attract visitors to the district.
- 4.17 However, the success of such events by the way of contribution to the Council's cultural and tourist strategies depends upon the quality, levels of

safety and consideration for the rights of people who work in the vicinity and the standard of provision of facilities for those coming to enjoy the event.

- 4.18 In recognition of the special factors that are relevant, particularly with respect to major open air events such as pop festivals or other large events, the Council has established a multi-agency forum to assist organisers in co-ordinating such events. This includes council departments who have an interest in or legislative role relevant to such events, together with representatives of the various emergency services.
- 4.19 Members of the forum are notified about all proposals to hold such events and where necessary special meetings will be organised in order to consider any communication with organisers.
- 4.20 A useful document which organisers are recommended to obtain is 'The Event Safety Guide' (known as the purple guide), published by the Health and Safety Executive. This is currently being revised and organisers are advised to check online for the latest version (www.thepurpleguide.co.uk)
- 4.21 Guidance on the planning of such events is available to organisers but it is important that substantial notice is given so that proper preparations and precautions can be put in place for the event. This also applies if the event is proposed under a Temporary Event Notice.

Community Applicants

- 4.22 Whilst this policy is aimed at all licensable activities under the Act it should be noted that the Council sees a distinction between large or permanent activities, such as those proposed by commercial operations and small or temporary activities such as those which might be proposed by cultural or community groups.
- 4.23 Where events are proposed by cultural or community groups, it is recognised that those groups may not have the same skill or the expertise or access to professional advice. Such groups may seek assistance and guidance from the Council by contacting the Licensing Section.
- 4.24 Whatever the nature of the applicant and activity proposed, the overriding matter is that the Council will consider the individual merits of the application and act as to promote the licensing objectives

5 Licensing Objectives

- 5.1 The Act sets out four licensing objectives which the Licensing Authority has a duty to promote when carrying out its licensing function, namely:
- The Prevention of Crime and Disorder
 - Public Safety

- The Prevention of Public Nuisance
- The Protection of Children from Harm

5.2 These objectives are the only factors that can be taken into account in determining an application and any conditions attached to the licence must be necessary to promote the licensing objectives. If there are no relevant representations, then an application must be granted and subject only to mandatory conditions and conditions consistent with the applicants operating schedule. Any conditions offered by the applicant within their operating schedule will become conditions on the licence.

5.3 Where it is appropriate to promote these licensing objectives, the controls the licensing authority and responsible authorities will expect to see where relevant:

5.4 Prevention of Crime and Disorder:

- The use of toughened glass/polycarbonate or other plastic/non glass bottles/receptacles
- Measures to prevent open bottles or other drinks containers being carried from premises
- Restriction of drinks promotions and responsible retailing
- Means of providing free water
- Marketing promotions do not encourage excessive consumption and should be socially responsible
- Measures to prevent binge drinking
- Participation in pub/club watch schemes and attendance at meetings
- Use of appropriate numbers of security personal and stewards ensuring effective controls at all times. Training staff in crime prevention measures
- Search procedures
- Use of CCTV inside and outside premises, ensuring digital systems comply with Home Office minimum requirements
- Adequate lighting
- Design premises to minimise the opportunity for crime and disorder
- Quality supervision and surveillance in premises
- Regular checks by staff of all public areas including toilets
- Assessment of customer profile ensuring the effective management of customers both inside premises and in outside smoking/external seating areas
- Anti-discriminatory policies and practice covering e.g. homophobia and racism
- Provision of a means of communication to other venues and the Police

5.5 Public Safety:

- Promotion of responsible drinking
- Awareness of drink spiking

- Zero tolerance drug policies including the appropriate use of searching/amnesty boxes to combat drug crime
- Assessment of the safe capacity for the venue and adequate monitoring and control measures to avoid overcrowding
- Regular removal of all glasses and bottles
- Specific precautions for the use of special affects
- Adequate provision for ventilation/temperature control
- Assessment, monitoring and management of noise exposure
- Assessment for crowd dynamics
- Safety of gas and electrical services
- Fire safety and emergency lighting
- Easy accessible free drinking water

5.6 Prevention of Public Nuisance:

- Assessment of the likelihood of nuisance affecting local communities through an assessment of the location of premises, character of the surrounding area and the proximity to residential and other sensitive premises. Nuisance could be from noise, odour or light
- Latest admission times
- Measures for the limitation of noise emissions from the premises. These may include as appropriate noise limitation devices, sound insulation, whether windows are to be opened, the installation of acoustic lobbies and double glazing
- Measures to dealing with queuing, where necessary
- Use and management of outdoor areas
- Measures to deal with dispersal of customers from the premises as necessary, including the employment of door supervisors, use of dedicated cab firms, notices in the premises requesting customers to respect neighbours
- Winding down periods particularly in public houses and nightclubs etc.
- Disposal of waste, particularly glass
- Use and maintenance of plant, including air extraction and ventilation systems
- Litter collection in vicinity
- Consideration of an adequate traffic management plan
- Noise from deliveries/collections
- Odour and light nuisance
- Measures to supervise customers use of beer gardens, smoking and external seating areas

5.7 Protection of Children from Harm:

- Limitation of access dependant on nature of activities
- Use of British Board of Film Classification for film exhibition
- Robust proof of age provisions to include preventions of fewer than 18s entering the premises where appropriate and the requirement for anyone looking under 18 to provide proof of age in the form of a photo

driving licence, passport or accredited photo ID card bearing the PASS hologram. PASS is the UK's national guarantee scheme for proof-of-age cards.

- Adoption of the Challenge 21/25 policy
- Adequate staff training on age restricted sales
- Adequate warning signage
- Measures to avoid proxy sales
- Control measures to protect child performances
- Records of refusals (refusal log)
- Suitable design and layout of alcohol display

- 5.8 It is recognised that the licensing function is only one means of securing the delivery of the licensing objectives and should not therefore be seen as a cure-all for solving all problems within the community. The Licensing Authority will therefore continue to work in partnership with its neighbouring authorities, **the responsible Authorities, the Health Authority**, local businesses and local people towards the promotion of objectives as outlined.

Designated Premises Supervisors (DPS)

- 5.9 The main purpose of the 'designated premises supervisor' is to ensure that there is always one specified individual who can be readily identified for the premises where a premises licence is in force. The Licensing Authority will normally expect the DPS to have an active role in the day to day operation of the licensed premises, in particular the sale and supply of alcohol. A DPS does not have to be on site all the time, but should authorise individuals to supervise the day to day management of the premises in his absence.
- 5.10 A DPS should have sufficient experience and knowledge appropriate for the operation under their control. A DPS should be able to control the activities on site and respond quickly and efficiently to problems.
- 5.11 A DPS should be able to demonstrate that they:
- Have sufficient knowledge and experience appropriate to the premises that they intend to control
 - Are able to respond to problems quickly and to meet with responsible authorities, local residents and ensure adequate direct management of individual premises in a timely manner.
- 5.12 Following a Police representation the Licensing Authority may refuse an application or remove a DPS where:
- A problem premises exists and the DPS is not capable of fulfilling the duties and expectations of a DPS
 - A proposed DPS cannot demonstrate their suitability for the licensed premises

6 Personal licences

- 6.1 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a Personal Licence. The Act does not require the presence of Personal Licence holder at all material times but if any sales are made when a Personal Licence holder is not present, then they must have been authorised by somebody who holds a Personal Licence. Regardless of whether a Personal Licence holder is present or not he will not be able to escape responsibility for the action of those he authorises to make such sales.
- 6.2 The Council recommends that authorisations for the sale of alcohol be made in writing to ensure that those authorised are clear on their legal responsibilities. Any premises which alcohol is sold or supplied may employ one or more Personal Licence holders. This paragraph should be read in conjunction with paragraphs 5.9 to 5.12 above, which state the role of the Designated Premises Supervisor.
- 6.3 The Council recognises it has no discretion regarding the granting of Personal Licences where:
- The applicant is 18 years or over;
 - Possesses a licensing qualification;
 - Has not had a licence forfeited in the last five years; and
 - Has not been convicted of a relevant offence
- 6.4 An application for a Personal Licence to sell alcohol must be made on the form specified in government guidance or regulations. The application form must be accompanied by the requisite fee. The applicant should also be able to produce evidence of the relevant qualifications.
- 6.5 From 1 April 2015 it is no longer necessary to renew a Personal Licence. Section 115 of the Licensing Act 2003 has been amended by section 69 of the Deregulation Act 2015, removing the requirement to renew personal licences. All new licences issued after this date will be issued for an 'indefinite period'
- 6.6 Applicants should produce a **Disclosure and Barring Service** certificate (**formally known as Criminal Record Check certificate**) within 1 calendar month, within the application form. Applicants are also expected to make a clear statement as to whether or not they have been convicted outside England and Wales of a relevant offence or similar offence.
- 6.7 Where an application discloses relevant unspent convictions the council will notify the police of that application and the convictions. The police may make objections on the grounds of crime and disorder. If an objection is lodged a hearing must be held.
- 6.8 The Council will, at such a hearing, consider carefully whether the grant of the licence will compromise the promotion of the crime prevention objective. It will consider the seriousness and relevance of the convictions(s), the period that

has elapsed since the offence(s) were committed and any mitigating circumstances. The Council will normally refuse the application unless there are exceptional and compelling circumstances which justify granting it.

7 Applications for Premises Licence

- 7.1 When considering applications, the Licensing Authority will have regard to:
- The Licensing Act and licensing objectives
 - Government guidance issued under Section 182 of the Licensing Act 2003
 - Any supporting regulations
 - This statement of Licensing Policy
- 7.2 This does not, however, undermine the rights of any person to apply under the 2003 Act for a variety of permissions and have the application considered on its individual merits, nor does it override the right of any person to make representations on any application to seek a review of a licence or certificate where they are permitted to do so under the 2003 Act.
- 7.3 The Licensing Authority recognises that, in some circumstances, longer licensing hours for the sale of alcohol may help to avoid concentrations of customers leaving premises simultaneously and reduce the potential for disorder. It also recognises that overly restrictive hours may inhibit the development of the night time economies that are important for investment, employment and tourism.
- 7.4 When determining applications by the Licensing committee, the Licensing Authority will seek to balance those factors against its duty to promote the four licensing objectives and the rights of residents to peace and quiet.
- 7.5 This policy is not intended to duplicate existing legislation and other regulatory regimes that place duties on employers and operators e.g. Health and Safety at Work etc. Act 1974, Environmental Protection Act 1990, Equality Act 2010, Building Regulations and the Regulatory Reform (Fire Safety) Order 2005. The Licensing Authority will therefore only impose conditions which are appropriate in promoting licensing objectives.
- 7.6 When one part of Carlisle City Council seeks a premises licence from the Licensing Authority, the Licensing Committee and its officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly by the committee. Those making representations, genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority are entitled to appeal the Magistrates' Court and thereby receive an independent review of any decision made.
- 7.7 In all cases, applicants and those making representations in respect of applications to the Licensing Authority have a right of appeal to the Magistrates' Court against the decision of the Licensing Authority.

- 7.8 It should be noted that incomplete applications will not be accepted but returned with an explanation of why it is incomplete.
- 7.9 The Licensing Authority welcomes applications made via Carlisle City Council's electronic application facility.

Community Halls

- 7.10 The Legislative Reform (Supervision of Alcohol Sales in Church and Village Halls etc.) Order 2009 amends the Act to allow management committees of community premises to make an application for a premises licence or to vary an existing premises licence which includes an application to remove the requirement of a designated premises supervisor and the authorisation of the sale of alcohol by a personal licence holder.

New and Varied Premises Licences/Club Premises Certificates

- 7.11 Where no premises licence or club premises certificate exists in respect of a premises, an application for a new premises licence or club premises certificate must be made to enable the carrying out of licensable activities.
- 7.12 An application to vary an existing premises licence or club premises certificate should be made where the proposed variation is in respect of changes to the types of licensable activities that are to be undertaken and/or the hours that those activities are to take place, or where structural changes are made to the premises.
- 7.13 Where the proposed variation to a premises licence or club premises certificate is in respect of structural alterations, the application must always be accompanied by a plan of the proposed alterations in additions to the existing premises licence or club premises certificate and the plan of which it relates.
- 7.14 Where a premises licence holder or club premises wishes to amend a premises licence or club premises certificate, the licensing authority will allow for an application to vary to be made rather than requiring an application for a new premises licence or certificate. The process the applicant will undertake will depend on the nature of the variation and its potential impact on the licensing objectives. The variation process will include:
- Change of name and address of a person named in the licence;
 - Variation of the licence to specify a new individual as designated premises supervisor;
 - Request to be removed as designated premises supervisor;
 - Request of community premises to display the mandatory condition concerning the supervision of alcohol sales by a personal licence holder and the need for a designated premises supervisor who holds a personal licence;
 - An application for minor variation of a premises licence or club premises certificate.

- 7.15 In addition, when completing section 3 of the application, it is important applicants ensure they provide sufficient time for the alterations to be carried out when stating the date upon which the variation is to take effect. This is to ensure that when the premises licence or club premises certificate comes into force, the plan to which it relates reflects accurately the layout of the building.
- 7.16 If the actual date when the alterations have been completed differs from that requested, applicants must inform the licensing authority so that the premises licence or club premises certificate can be issued correctly. Failure to do so may result in an offence being committed under Section 136 of the Licensing Act 2003 of carrying on a licensable activity otherwise than under and in accordance with an authorisation.

Minor Variations

- 7.17 In August 2009, the Government introduced a streamlined process for applicants to make minor variations to their premises licences and club premises certificates where the change is considered to have 'no adverse impact' on the promotion of any of the four licensing objectives.
- 7.18 Minor variations **can be** used to:
- Make minor changes to the structure or layout of a premises
 - Make small adjustments to the licensing hours
 - Remove out of date, or unenforceable conditions
 - Add or remove certain licensable activities
 - Add volunteered conditions to a premises licence or club premises certificate
- 7.19 Examples of where the new minor variation process **cannot be** used to:
- Extend the period for which the licence or certificate has effect
 - Specify, in a premises licence, an individual as the premises supervisor
 - Add the sale by retail or supply of alcohol as an activity authorised by a licence or certificate
 - Authorise the sale by retail or supply of alcohol at any time between 23:00 hours and 07:00 hours
 - Authorise an increase in the amount of time on any day during which alcohol may be sold by retail or supplied
 - Vary a licence for community premises so as to apply the condition that every supply of alcohol under that licence must be made or authorised by the management committee
 - Substantially vary the premises to which the licence or club premises certificate relates
- 7.20 On receipt of a minor variation application, the Licensing Authority will consider the appropriate and consult the relevant responsible authorities as it considers appropriate. In deciding on the application the Licensing Authority will consider any relevant representations received within the statutory time

limit (ten working days from the day after the application was received by the Licensing Authority). The Licensing Authority will either grant the application or refuse it where it considers that the proposed application could impact adversely on any of the four licensing objectives.

- 7.21 If the Licensing Authority fails to determine the application within 15 working days, the application will be treated as being refused and the fee returned. However in such cases the Licensing Authority and applicant may agree instead that the undetermined application should be treated as a new minor variation application and that the fee originally submitted may be treated as a fee for the new application thus avoiding the need for a new application to be submitted.

8 Review of Premises Licence and Other persons

- 8.1 In addition to Responsible Authorities, any other person can be involved in a number of licensing processes under the Act. This includes any individual, body or business entitled to make representations to licensing authorities in relation to applications for the grant, variation, minor variation or review of premises licences and club premises certificates regardless of their geographic proximity to the premises. These persons may themselves seek a review of a premises licence.
- 8.2 Any representations made by these persons must be 'relevant', in that the representation relates to one or more of the licensing objectives. The Licensing Authority should also consider whether the representation made is frivolous or vexatious. In the case of applications for reviews, there is an additional requirement that the grounds for the review should not be considered by the Licensing Authority to be repetitious.
- 8.3 While any of these persons may act in their own right, they may also request that a representative makes the representation to the Licensing Authority in their behalf. A representative may include a legal representative, a friend, a Member of Parliament, a Member of the Welsh Government, or a local ward or parish councillor who can all can in such a capacity.
- 8.4 The Licensing Authority acknowledges that local councillors can make representations in their own right if they live, or are involved in a business in the vicinity of the premises in question or if they have concerns about any premises regardless of whether they live or are involved in a business in the vicinity of the premises.
- 8.5 The Licensing Authority considers that Trading Associations, Trade Unions and residents and Tenant's Associations qualify as other persons.
- 8.6 The Licensing Authority will not generally view these bodies as other persons unless they have a member who can be classed as an Interested Party.

- 8.7 The Licensing Authority will generally require written evidence that a person is authorised to represent other persons in any case other than that is mentioned in paragraph 8.4 above.

Representations

- 8.8 Any Responsible Authority or other persons may make relevant representations on applications for the grant of a premises licence or club premises certificate and request reviews of licence or certificates that have been granted.
- 8.9 A representation will only be 'relevant' if it relates to the likely effect of the grant of the licence on the promotion of at least one of the four licensing objectives. In addition, the representation must not be frivolous or vexatious.
- 8.10 The police may object to the designation of a new designated premises supervisor (DPS) where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective.
- 8.11 Where the police do object, the licensing authority must arrange for a hearing at which the issue can be considered and both parties can put forward their arguments. The 2003 Act provides that the applicant may apply for the individual to take up post as DPS immediately and, in such cases, the issue would be whether the individual should be removed from this post. The licensing authority considering the matter must restrict its consideration to the issue of crime and disorder and give comprehensive reasons for its decision. Either party would be entitled to appeal if their argument is rejected.
- 8.12 The 2003 Act also provides for the suspension and forfeiture of personal licences by the courts following convictions for relevant offences, including breaches of licensing law. The police can at any stage after the appointment of a DPS seek a review of a premises licence on any ground relating to the licensing objectives if problems arise relating to the performance of a DPS.
- 8.13 The Police and Environmental Health department may make representations in respect of a notification of a temporary event notice on the basis of any of the licensing objectives.
- 8.14 The Licensing Authority must be satisfied that the representation is made by another person, who can generally only be determined by reference to the name and address of the person making it, this authority will not consider and representations that fail to provide those details.
- 8.15 Where relevant representations are made, the Licensing Authority must provide copies of those representations to the applicant or his/her representative. The Licensing Authority accepts that in exceptional circumstances an Interested Party may not wish for his/her personal details to be disclosed to the applicant.

- 8.16 Where the Licensing Authority considers that a relevant representation has been made and that exceptional circumstance exists, details of the name and address made be withheld from the copy of the representation that is provided to the applicant or his/her representative.
- 8.17 In all cases, applications and those making representations that are genuinely aggrieved by a decision of the Licensing Committee are entitled to appeal to the Magistrates' Court against the decision of the committee.
- 8.18 Where the Responsible Authorities or other persons do not raise any relevant representations about the application made to the Licensing Authority, the Licensing Authority will grant the premises licence or club premises certificate subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Licensing Act 2003.

Review of Licences

- 8.19 Where possible and appropriate, the Licensing Authority and Responsible Authorities will give early warning to licence holders of any concern about problems identified at premises and of the need for improvement.
- 8.20 Any Responsible Authority or other person may apply for a review of a premises licence or a club premises certificate by serving a notice containing details of the application on the holder of a licence or certificate and to each of the Responsible Authorities.
- 8.21 An application for review will be only 'relevant' if the grounds upon which it is made relate to the promotion of at least one of the four licensing objectives and is not frivolous, vexatious or repetitious. An evidentiary basis will be required to be presented to the Licensing Authority.
- 8.22 Where other person applies for a review, the Licensing Authority must be satisfied that a review is relevant. There is no appeal to the decision of the Licensing Authority other than by the way of Judicial Review.
- 8.23 No more than one review from person other than responsible authorities will be normally permitted within any 12 month period on similar grounds except in exceptional and compelling circumstances or where it arises following a closure order.

Conditions

- 8.24 Licensing is about the appropriate control of licensed premises, qualifying clubs, temporary events and the people who manage them or hold personal licences within the terms of the 2003 Act.
- 8.25 The Licensing Authority may not impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied at a hearing of the necessity to impose conditions due to the representations raised. It may then only impose such conditions as are

necessary to promote the licensing objectives arising out of consideration of the representations.

- 8.26 The Licensing Authority actively promotes the benefits of partnership working between the Council and local businesses to enhance business operations and thereby achieve the community benefits of minimisation of waste, enhancement of the street scene, promotion of community safety, reduction of the fear of crime and the encouragement of tourism and inward investment. It is recommended that Premises Licence holder contact the Licensing Authority to ensure up to date mandatory conditions are on display.
- 8.27 To maximise the efficiency of administering licences and reduce the necessity for hearings, the Licensing Authority will actively encourage applicants and clubs to consult with Responsible Authority and seek professional guidance from Council services, when operating schedules are being prepared to allow for proper liaison to take place in such areas as noise reduction, CCTV, refuse and litter etc., to avoid representations being necessary. The Licensing Authority accepts that while some applicants may find it useful to contact the Responsible Authorities and Council services for advice and professional assistance, others will not need to do so, and that applications cannot be refused on the basis that such consultation has not taken place.
- 8.28 Where relevant representations are made, the Licensing Authority will seek to make objective judgements as to whether conditions may need to be attached to various authorisations and others in possession of relevant authorisations, to secure achievement of the licensing objectives.
- 8.29 Any conditions arising from the operating schedule or as a result of representations will focus primarily upon the direct impact of the activities taking place at licensed premises on those attending the premise and members of the public living, working or otherwise engaged in normal activity in the areas concerned and will cover matters that are within control of the individual licensees.
- 8.30 If an applicant volunteers prohibition or restriction in his/her operating schedule because his/her own risk assessment had determined such prohibition or restriction to be appropriate, such volunteered prohibitions or restrictions will become conditions attached to the licence or certificate and will be enforceable as such.
- 8.31 The Licensing Authority recognises that all applications should be considered on an individual basis and any condition attached to such a licence will be tailored to each individual premise, to avoid the imposition of disproportionate and other burdensome conditions on those premises. Standard conditions, other than mandatory conditions, will, therefore, be avoided and no condition will be imposed that cannot be shown to be necessary for promotion of the licensing objective.

9 Temporary Event Notices (TEN's)

- 9.1 The Act sets out the legal requirements relating to TEN's. A TEN is a notification given by an individual to the Licensing Authority where it is proposed to use premises for one or more licensable activities during a period not exceeding 168 hours and can be used to authorise relatively small-scale ad hoc events held in or any premises involving no more than 499 people at any one time.
- 9.2 A TEN is typically used to:
- Authorised a licensable activity at a premises not currently licensed e.g. selling alcohol at a fete
 - Temporarily extending the hours for providing a licensed activity at an existing licensed premises for a specific event
 - Provide for licensable activities not authorised by the existing licence.
- 9.3 The organiser must give the Licensing Authority notice of the proposed event and give a copy of the notice to the Police and Environmental Health.
- 9.4 Where an application or any part of it, is submitted in writing, it is the responsibility of the applicant to ensure that a copy of the application has been sent to the Police and Environmental Health, as stipulated in the Act. Where an application has been submitted electronically copies of the application will be forwarded to the responsible authorities by the Local Authority.
- 9.5 The organiser must normally give the Licensing Authority a minimum of 10 clear working days' notice. This does **NOT** include the date of submission, the date of the event, weekends or bank holidays. In a significant number of cases this time period does not allow sufficient time for the organiser to liaise with the Police or Environmental Health and other relevant bodies to ensure that the event passes off safely with minimum disturbance to local residents. Therefore the Licensing Authority will normally expect that the application be submitted no earlier than 28 days before the planned event. The giving of 28 days' notice allows for responsible discussions to take place with the Police and Environmental Health. The Licensing Authority will consider any breach of previous informal agreements to be an important matter when considering an objection to a TEN.
- 9.6 Late TENs can be submitted up to five working days but no earlier than nine working days before the event due to take place, and unless given electronically to the Licensing Authority, must also be sent to the Police and Environmental Health. A late TEN given less than five days before the event to which it relates will be returned as void and the activities returned as void and the activities to which it relates will not be authorised.

- 9.7 A key difference between standard and late TENs is the process following an objection notice from the Police or Environmental Health. Where an objection notice is received in relation to a standard TEN the Licensing Authority must hold a hearing to consider the objection, unless all parties agree that a hearing is unnecessary. If the Police or Environmental Health gives an objection to a late TEN the notice will not be valid and the event will not go ahead as there is no scope for a hearing or the application of any existing conditions.
- 9.8 The Licensing Authority will also actively encourage the organiser to notify other relevant agencies such as the Fire Authority (crowd safety and management) in order to obtain expert advice on how best to minimise the risk of injury and public nuisance. In addition, whilst under the Act applicants do not have to notify the Planning Authority in respect of a temporary event, however they are encouraged to do so to ensure that any relevant planning consent is in place.

10 Live Music Act 2012

- 10.1 The Live Music Act came into force on the 1 October 2012 and has made a number of changes to the Licensing Act 2003. This is designed to encourage more performances of 'live' music.
- 10.2 Live and recorded music is generally licensable under the Licensing Act but there are now many exemptions.

Live Music : no licence permission is required for:

- a performance of unamplified live music between 8.00am and 11.00pm on any day on any premises;
- a performance of amplified live music between 8.00am and 11.00pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;
- a performance of amplified live music between 8.00am and 11.00pm on any day in a workplace that is not licensed to sell alcohol on those premises provided that the audience does not exceed 500;
- a performance of amplified live music between 8.00am and 11.00pm on any day in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser obtains consent for the performance from a person who is responsible for the premises;
- a performance of amplified live music between 8.00am and 11.00pm on any day at the non-residential premises of a local authority, school or hospital provided that the audience does not exceed 500 and the organiser obtains consent.

Recorded music : no licence permission is required for:

- any playing of recorded music between 8.00am and 11.00pm on any day on premises authorised to sell alcohol for consumption on those premises provided that the audience does not exceed 500;
- any playing of recorded music between 8.00am and 11.00pm on any day in a church hall, village hall, community hall or other similar community premises that is not licensed by a premises licence to sell alcohol provided that the audience does not exceed 500 and the organiser obtains consent for the performance from a person who is responsible for the premises;
- Any playing of recorded music between 8.00am and 11.00pm on any day at the non-residential premises of a local authority, school or hospital provided that the audience does not exceed 500 and the organiser obtains consent.
- Any existing conditions on a premises licence which relate to live or recorded music are suspended between 8.00am and 11.00pm provided the premises are open for the supply of alcohol for consumption on the premises at the time that the entertainment is taking place and that, if the music is amplified, the audience does not exceed 500 people. Such conditions may be reinstated, or new conditions added, as a result of a review of a premises licence or club premises certificate.

- 10.3 When considering whether an activity constitutes 'the provisions of regulated entertainment' each case will be treated on its own merits. There will inevitably be a degree of judgement as to whether a performance is live music or not, so organisers of events are encouraged to check with the Licensing Authority if in doubt

None of the exemptions affect the need to apply for copyright licensing or the requirement not to cause a noise nuisance. Regulated Entertainment is a complex area and there are other minor exemptions – the council recommends seeking legal advice if in any doubt.

11 Cumulative Impact Policy

Need for Licensed Premises

- 11.1 There can be confusion about the difference between "need" and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel. This is not a matter for a Licensing Authority in discharging its licensing functions or for its Statement of Licensing Policy.

Cumulative Impact of a Concentration of Licensed Premises

- 11.2 “Cumulative Impact” means the potential impact upon the promotion of the licensing objectives of a significant number of licenced premises concentrated in one area. The cumulative impact of licenced premises on the promotion of the licensing objectives is a proper matter for a Licensing Authority to consider in developing its Statement of Licensing Policy.
- 11.3 The Licensing Authority acknowledges that a concentration of licensed premises in a particular area can result in an increased number of people walking through or congregating in streets during the night with the potential impact of an increase in crime, anti-social behaviour, noise pollution and other disturbance to residents, together with an increase in littering or fouling. In such cases, the amenity of local residents can be placed under severe pressure but may not be attributable to any individual premises.
- 11.4 The Licensing Authority can only adopt a special policy on cumulative impact if there is evidence that a significant number of licensed premises concentrated in one area are resulting, or likely to result, in unacceptable levels of crime and disorder or public nuisance.
- 11.5 The Licensing Authority, having regard to the evidence currently available, considers that there is no particular part of the district causing a cumulative impact on any part of the licensing objective.
- 11.6 However, the cumulative impact of licensed premises in a particular area may, at a future time, on representation from residents or businesses and/or a responsible authority, trigger the consideration of whether any additional licences or substantial variations to existing licences, to increase such aspect as capacity or operating hours, would lead to an unacceptable saturation in an area. The onus will be upon the objectors to provide evidence that additional licences or the variation of existing licences would produce the cumulative impact claimed.

Advice and Guidance

- 11.7 The Licensing Authority recognises the valuable cultural, social and business importance that premises and events requiring a licence under the Licensing Act 2003 provide and welcomes the diversity of activities that are provided by licence holders. For this reason, pre-application discussions will be encouraged to assist applicants to develop their operating schedule. The Licensing Authority and the Responsible Authorities will offer as much advice and guidance to applicants as resources permit.
- 11.8 The Licensing Authority will also seek to liaise with applicants and/or mediate between applicants and others who may make representations, to achieve a satisfactory outcome for all involved, wherever possible and where resources permit. Where an applicant considers that mediation and liaison may be likely or probable, it is recommended that he/she discusses his/her proposal with

the Licensing Team and those from who they think representations are likely prior to submitting an application. Once an application has been logged, there are statutory timescales imposed upon the application and determination process, which restricts the opportunity for such discussions, liaison and mediation.

11.9 Other mechanisms for controlling cumulative impact include:

- Planning controls
- Positive measures to create a safe and clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority
- The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late night, street cleaning and litter patrols
- Powers of local authorities to designate parts of the local authority areas where alcohol may not be consumed publicly, namely the issuing of Public Protection Orders to these areas
- Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices
- The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk
- The confiscation of alcohol from adults and children in areas with Public Protection Orders
- Police powers to close down instantly for up to 24 hours any licensed premises to temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance
- The power of police, other responsible authorities or local resident or business to seek a review of the licence or certificate in question.

12 Late Night Levy

This is a power conferred on Licensing Authorities by the Police Reform and Social

Responsibility Act 2011 which enables a levy to be charged to premises that are licensed to sell alcohol late at night in the authority's area, as a means of raising a contribution towards the costs of policing the late-night economy. The option of introducing such a levy will be kept under review by the Council and would not be introduced without the required consultation.

13 Early Morning Restriction Orders (EMRO)

The power for Licensing Authorities to make, vary or revoke an EMRO set out in sections 172A to 172E of the Act.

- 13.1 An EMRO enables a Licensing Authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objective.

- 13.2 EMROs are designed to address recurring problems such as high levels of alcohol related crime and disorder in specific areas at specific times; serious public nuisance and other instances of alcohol related anti-social behaviour which is not directly attributable to specific premises.
- 13.3 It is the Council's intention to support businesses rather than hinder them whilst ensuring promotion of the licensing objectives. However where this has deemed to fail then an EMRO could be considered as a possible solution.
- 13.4 An EMRO:
- Applies to the supply of alcohol authorised by premises licences, club premises certificate and temporary event notices
 - Applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week and can apply for different time periods or unlimited time period (e.g. an EMRO could be introduced for a few weeks to apply to a specific event)
 - Applies to the whole or any part of the Licensing Authority's area
 - Will not apply to the supply of alcohol to residents by accommodation providers between 12am and 6am, provided the alcohol is sold through mini-bars/room service
 - Will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Act

EMRO Request

- 13.5 It is expected that the need of an EMRO may be identified by a number of different organisations. For example the request for an EMRO may originate from Cumbria Police, Environmental Health or residents association. It may come via another Responsible Authority. It is likely more than one organisation may be involved in the process.
- 13.6 It is anticipated that the request would be referred to Licensing where a designated procedure will be applied to determine if an EMRO is appropriate. If appropriate, the request will be referred to the Licensing Committee. Members would be supplied with evidence of the issues being experienced in the area in support of the EMRO. The Licensing Committee will decide if, on the strength of the evidence provided, that an EMRO is appropriate for the promotion of the licensing objectives and further work is to be undertaken to support the case. Members may decide that other measures would be more effective in dealing with the problems, or that licensing holders should engage with the authorities in an attempt to rectify matters before the request is considered further.

Evidence

- 13.7 Section 182 Guidance to Licensing Authorities states that “The Licensing Authority should be satisfied that it has sufficient evidence to demonstrate that its decision is appropriate for the promotion of licensing objectives. This requirement should be considered in the same manner as other licensing decisions, such as the determination of applications for the grant of premises licences. The Licensing Authority should consider the evidence from partners, including responsible authorities and local community safety partnerships, alongside its own evidence, to determine where an EMRO would be appropriate for the promotion of licensing objectives.”
- 13.8 The level of evidence Licensing Committee will consider to support an EMRO is:
- Police evidence of reported alcohol related crime
 - Nuisance statistics compiled from complaints made to Environmental Health in relation to noise, odour and litter nuisance
 - Data gathered from complaints made to Licensing on matters which affect the licensing objectives
 - Anecdotal evidence from residents organisations, ward members and other representatives of people living in specific areas
 - Evidence obtained during the public consultation and associated public meetings
- 13.9 In addition the Section 182 guidance suggests other sources of evidence such as:
- Health related statistics such as alcohol-related emergency attendance and hospital admissions
- 13.10 This should, in part be provided by the organisation or group who are proposing an EMRO should be in force.
- 13.11 Once the Licensing Committee is satisfied that an EMRO is required to address the issues in an area, and all other measures have been tried and failed to address these issues, the formal process of implementing an EMRO will begin. The design of the EMRO will include:
- The days (period of those days) on which the EMRO would apply
 - The area to which the EMRO would apply
 - The period for which the EMRO would apply
 - The date from which the proposed EMRO would apply

Consultation

- 13.12 The proposed EMRO will be advertised for at least 42 days. The proposal will be published on the Council’s website and in a local newspaper. A notice will be sent to all affected people in the area who hold a premises licence or a club premises certificate, or people who use TENs or who would hold a provisional statement. A notice will be displayed in the area, and sent to responsible authorities and adjacent licensing authorities.

13.13 Any affected by the EMRO has 42 days in which to make a representation on any aspect of the EMRO design. If relevant representations are received then a hearing will be held to consider them. If there are a number of representations, the Licensing Authority may consider whether to hold the hearing over several days. The hearing will commence within 30 working days of the end of the notice period.

13.14 As a result of the hearing the Licensing Authority has three options:

- To decide that the proposed EMRO is appropriate for promotion of the licensing objectives
- To decide that the proposed EMRO is not appropriate and therefore the process should be ended
- To decide that the proposed EMRO should be modified. In this case it may be necessary to advertise again

Formal Decision

13.15 Once the Licensing Authority is satisfied that the proposed order is appropriate for the promotion of the licensing objectives, its determination will be put to full Council for its final decision. Once the EMRO is made, the authority will send a notice to all affected persons and make it available for 28 days on the website.

13.16 A variation or revocation of an order will follow the same process. However an order could be applied for a specified time and in this case the order ceases to apply on the final day.

13.17 Once an EMRO is in place, the Licensing Authority will update this policy as soon as possible to include reference to the EMRO in this section.

13.18 There are currently no EMROs in place for this area.

14 Enforcement

14.1 Carlisle City council delivers a wide range of enforcement services aimed at safeguarding the environment and the community, and at providing a 'level playing field' on which businesses can trade fairly. The administration and enforcement of the licensing regime is one of these services. Carlisle City Council is committed to the principles of good enforcement practice by carrying out its regulatory functions in a fair, open and consistent manner.

14.2 The Licensing Authority recognises the interests of both citizens and businesses and will work closely, with partners, to assist licence holders to comply with the law and the four licensing objectives that it seeks to promote.

However, proportionate but firm action will be taken against those who commit serious offences or break the law consistently.

- 14.3 The Licensing Authority works in partnership with all of the Responsible Authorities under the Act on enforcement issues. This joint working provides for the targeting of resources towards high-risk premises and activities that require greater attention, while providing a lighter touch in respect of low risk premises that are operated well.

15 Administration, Exercise and Delegation of functions

- 15.1 The Licensing Authority will be involved in a wide range of licensing decisions and functions and has established a Licensing Committee to administer them.
- 15.2 Appreciating the need to provide a speedy, efficient and cost-effective service to all parties involved in the licensing process, the Committee has delegated certain decisions and functions and has established a number of Sub-Committees to deal with them.
- 15.3 Further, with many of the decisions and functions being purely administrative in nature, the grant of non-contentious applications, including for example, those licence and certificates where no representations have been made, has been delegated to Licensing Authority officers.
- 15.4 The Licensing Committee will consist of 12 Councillors. Licensing Sub-Committees of three Councillors are expected to consider the bulk of applications where a hearing is necessary. Ward Councillors will not sit on Sub-Committee involving an application within their ward.
- 15.5 Every determination of a licensing application by the Licensing Committee or Licensing Sub-Committee shall be accompanied with clear, cogent reasons for the decision.
- 15.6 It is expected that the authority's licensing officers will deal with the majority of licence applications and will decide whether representations are irrelevant, frivolous or vexatious. The person making a representation, which is considered to be frivolous or vexatious, will be given written reasons for that decision.
- 15.7 The authority will ensure that members and officers are appropriately trained to carry out their duties under the Act.
- 15.8 The table at Appendix 2 sets out the agreed delegation of decisions and functions to Licensing Committee, Sub-Committee and Officers.

- 15.9 Officers, a Licensing Sub-Committee and even the full Licensing Committee may decline to exercise their delegated powers in any particular case. On such occasions, officers may refer a matter to a Sub-Committee, the Sub-Committee to full Committee and the full Committee to the full Council.

Appendix 1 – Table of Delegated functions

Matter to be dealt with	Full Committee	Sub-Committee	Officers
Application for personal licence		If objection made	If no objection made
Application for personal licence with unspent convictions		All cases	
Application for Premises Licence/Club Premises Certificate		If representation made	If no representation made
Application for Provisional statement		If representation made	If no representation made
Application to vary Premises Licence/Club Premises Certificate		If representation made	If no representation made
Application to vary Premises Licence/Club Premises Certificate by way of minor variation			All cases
Application to vary Designated Premises Supervisor (DPS)		If Police object	All other cases
Request to be removed as DPS			All cases
Application to transfer of Premises Licence		If a Police representation	All other cases
Application for Interim Authorities		If a Police representation	All other cases
Application to review Premises		All cases	

Licence/Club Premises Certificate			
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the relevant authority considering the application		All cases	
Determination of Police objection to a TEN		All cases	
Determination of film classification		All cases	

A Full Committee will consist of 15 members. A Sub-Committee will consist of 3 members.

Appendix 2 – Appeals procedure

Other than in the case of personal licences, an appeal has to be made to the Cumbria Magistrates Court Service, South Cumbria Magistrates Court, Abbey Road, Barrow-in-Furness, Cumbria, LA14 5QX or Cumbria Magistrates Service, Kendal Magistrates Court, The Court House, Burnside Road, Kendal, Cumbria, LA9 4TJ. In the case of personal licences, the appeal must be made to the Magistrates' Court for the area in which the Licensing Authority (or any part of it) which made the decision is situated.

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

On determining an appeal, the court may:

- Dismiss the appeal
- Substitute for the decision appeal against any other decision which could have made by the licensing authority
- Remit the case to the licensing authority to dispose of it in accordance with the direction of the court.

The court may make such order as to costs as it thinks fit.

Appendix 3 – Guides of Best Practice

1. Model National and Standard Conditions for Places of Public Entertainment and Associated Guidance ISBN 1 904031 11 0 (Entertainment Technology Press – ABTT Publications).
2. The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999) (“The Purple Book”) ISBN 0 7176 2453 6.
3. Guide to Fire Precautions in existing places of entertainment and like premises (The Stationery Office) (“The Primrose Guide”) ISBN 0 1 340907 9.
4. Managing Crowds Safely in Public Venues ISBN 0-11-882132-5
5. 5 steps to Risk Assessment: Case Studies (HSE 2006) INDG 163 (rev2)
6. The Guide to Safety at Sports Grounds (The Stationery Office, 2008) (“The Green Guide”) ISBN 978-0-11-702074-0
7. Good Practice Guide on the Control of Noise from Pubs and Clubs – The Institute of Acoustics.
8. Safer Nightlife – London Drugs Policy Forum
<http://217.154.230.218/NR/rdonlyres/E4E0FE3A-9F8E-4182-AFBF-31C83E74C03A/0/SS LDPF safer nightlife.pdf>
9. Talk to Frank – The a-z of drugs www.talktofrank.com
10. The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks – <http://www.portman-group.org.uk/?pid=3&level=1>
11. British Board of Film Classification – Classification Guidelines – <http://www.bbfc.co.uk/what-classification/guidelines>
12. HSE Guide – The Radiation Safety of laser installation used for display purposes [HS(G)95] HSE Books ISBN 0-7-76-0691
13. Alcohol Harm Reduction Strategy for England – www.cabinetoffice.gov.uk
14. Alcohol Concern – www.alcoholconcern.org.uk/servlets/doc/80147
15. Safety Guidance for Street Arts, Carnivals, Processions and large scale performances Independent Street Arts Network
www.streetartsnetwork.org/pages/publications.htm
16. National Alcohol Harm Reduction Strategy tool kit – www.alcoholconcern.org.uk/servlets/doc/801

17. Point of Sale Promotions – British Beer & Pub Association -
www.beerandpub.com
18. Fire safety risk assessment – small (up to 60) and medium (60-300) places of assembly ISBN – 10:1851128204
19. Fire safety risk assessment – large (300+) places of assembly ISBN – 10:1851128212
20. Fire Safety risk assessment – open air events and venues ISBN - 9781851128235

This is not intended to be an exhaustive list of reference guides but is offered for guidance and may be revised. Where an activity proposes an activity not covered by the above every effort should be made to research current best practice guidance.

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Appendix 4 – List of Consultees

Admiral Taverns (Nevada) Ltd, 150 Aldersgate Street, London, EC1A 4EJ
Aldi Stores, Holly Lane, Atherstone, Warwickshire CV9 2SQ
Amber Taverns, Victory Offices, 112 Victory Road, Blackpool FY11 3NW
Asda Stores Ltd., Gt Wilson Street, South Bank, Leeds LS11 5AD
Avebury Taverns, Sterling House, 20 Station Rd., Gerrards Cross, Bucks SL9 8EL
Bargain Booze, Unit 1 Weston Rd, Crewe, Cheshire CW1 6BP
Blackhursts Solicitors, 22 Edward Street, Blackpool
Boots UK., 1 Thane Rd West., Beeston, Nottingham. NG2 3AA
B&M Retail Ltd., Unit 1G, Squires Gate Ind Estate, Squires Gate Lane, Lancs FY4 3RN
British Beer & Pub Association, P O Box 538, Halifax
British Institute of Innkeeping, 80 Park Street, Camberley
British Board of Film Classification, 3 Soho Square, London W1D 3HD
Butterfield Consultancy, 203 Dudley Hill Road, Undercliffe, Bradford
Cains Beer Company Plc, The Robert Cain Brewery, Stanhope Street, Liverpool.
Camerons Brewery Ltd., Lions Brewery, Hartlepool TS24 7QS
Cobbetts Solicitors, Ship Canal House, King Street, Manchester.
Co-operative Group, Licensing dept., 1 Angel Square, Manchester M60 0AG
Crutes law Firm, Gt North House, Newcastle. NE1 8ND
Daniel Thwaites, Star Brewery, Penny St, Blackburn BB1 6HL
Daryl Mansbridge, Licensing Solicitor, Somerfield Stores Ltd, Somerfield House, Bristol.
Debenhams Retail, Regents Place, London NW1 3FG
Denby & Co Solicitors, 119 Duke Street, Barrow-in-Furness.
English Heritage trust, 1 Waterhouse Square, 138-142 Holborn, London EC1N 2ST
Enterprise Inns, 3 Monkspath Hall Road, Solihull, West Midlands B90 4SJ
First Quench Retailing Ltd, Enjoyment Hall, Bessamer Road, Welwyn Garden City, Herts.
Flint Bishop LLP, St Michaels Court, St Michaels Lane, Derby DE1 2HQ
Ford Warren Solicitors, Licensing Section, Westgate Point, Leeds
Freemans Solicitors, 7 St Mary's Place, Newcastle-upon-Tyne.
Gala Coral Group, New Cattle House, Castle Boulevard, Nottingham NG7 1FT
Gosschalks Solicitors, Queens Gardens, Hull HU1 3DZ
Greenwood Kyle Solicitors, 1 Finkle Street, Kendal.
Guest Walker & Co Solicitors, 12a The Shambles, York.
Hallmark Hotels, Fountain Court, 12 Bruntcliffe Way, Morley, Leeds LS27 0JG
Hartleys (Ulverston) Ltd, The Old Brewery, Ulverston.
Harvey Ingram Owston Solicitors, 20 New Walk, Leicester.
Honeycombe Leisure/Nectar Taverns, Derby House, Lytham Road, Fulwood, Preston.
Iceland Foods, Legal Dept., Second Ave., Deeside Ind Park, Deeside CH5 2NW
Intertain (bars) Ltd., IMEX, 3rd Floor, 575-599 Maxted rd, Hemel Hempstead Herts., HP2 7DX
Inn Court Licensing Consultants, 65 Mapplewell Crescent, Great Sankey, Warrington.

James Hall & Co Ltd, Spar Distribution Centre, PO Box 38, 89-91 Blackpool Rd, Preston.

Jennings Brewery, Castle Brewery, Cockermouth CA13 9NE

J D Wetherspoon, PO Box 616 Watford., WD24 4QU

Jockey Club Racecourses, Prestbury park, Cheltenham, Gloucestershire GL50 4SH

John Gaunt Solicitors, Omega Court, 372 Cemetary Road, Sheffield.

Kidd Rapinet Solicitors, 14 & 15 Craven Street, London.

Lidl UK GmbH, Licensing Dept., 10 Worple Rd., London. SW19 4JS

Majestic Wine Warehouse, Majestix House, The Belfrey, Colonial Way, Watford. WD24 4WH

Marks & Spencer, Waterside House 35 North Wharf Rd., London W2 1NW

Marstons PLC, Marstons House, Wolverhampton. WV1 4JT

McColls retail, Licensing dept., McColls House, Brentwood, Essex CM15 9ST

Mitchells of Lancaster, 11 Moor Lane, Lancaster.

Mitchells & Butlers plc, Licensing Dept., 27 Fleet Street Birmingham B3 1JP

Morrisons, Licensing Dept., Hilmore House, Gain Lane, Bradford BD3 7DL

Chief Executive, Association of Licensed Multiple Retailers, 9b Walpole Court, London.

Mr R Robinson, Director, Frederick Robinson Ltd, Unicorn Brewery, Stockport.

Mr P Howarth, Retail Director, Thwaites inn, P O Box 50, Star Brewery, Blackburn.

Punch Taverns PLC., Jubilee House., 2nd Ave., Burton on Trent DE14 2WF

Smithson Clarke Solicitors, Ward's Building, 31-39 High Bridge, Newcastle-upon-Tyne.

Spirit Group Ltd, 107 Station Street, Burton on Trent, Staffordshire

Stanley H Cross & Co Solicitors, 10 Ashfield Road, Chorley.

Star Pubs & Bars Ltd., 3-4 Boradway Park Couth, Gyle broadway, Edinburgh EH12 9JZ

Tesco, Licensing, PO Box 400, Cirrus Building C, Shire park, Welwyn Garden City, Herts AL7 1AB

TJ Morris, T/A Home bargains, Axis Business Park., Portal Way, Gillmoss, Liverpool L11 0JA

The Black Sheep Brewery, Wellgarth, Masham, North Yorkshire, HG4 4EN

The Association of Licensed Multiple Retailers, Third Floor, International House, Ealing.

United Co-op, Finance Department, Co-operative House, Civic centre, Wythenshawe.

Watson Burton, 20 Collingwood Street, Newcastle-upon-Tyne.

Berwin, Leighton Paisner, Bouverie House, 154 Fleet Street, London.

Mr R Hayward, British Beer & Pub Association, Market Towers, London.

Mr J McNamara, British Institute of Innkeeping, Wessex House, 80 Park St, Camberley.

Gala Group, Newcastle House, Castle Boulevard, Nottingham.

Hammonds Solicitors, Rutland House, 148 Edmund Street, Birmingham.

Joelson Wilsons Solicitors, 30 Portland Place, London.

Ladbrokes Betting & Gaming Ltd, Imperial House, London.

Leisure Link, 3 The Maltings, Rayners Lane, Harrow.

Poppleston Allen, 27 Stoney Street, The Lace Market, Nottingham.

Ms J Goode, Scottish & Newcastle Retail, Lakeside House, The Lakes, Northampton.

Showmans Guild, 8 Fitzroy Place, Glasgow.

Showmans Guild of Great Britain, 11 St Mary's Place, Bury.
Whitbread Group, PLC., Whitebread Court, Houghton Hall business park, Porz Ave.,
Dunstable LU5 5XE
Workstone Ltd., Star House, 104/108 Grafton Rd., London NW3 0JJ

Local Consultees

All Premises Licence Holders

Arts Development Officer, Tullie House, Carlisle
Bangladeshi Caterers Association, London Road, Carlisle
British Transport Police, Citadel Station, Court Square, Carlisle
Campaign for Real Ale, 67 Millcroft, Carlisle
Carlisle Access Group, 2 Carricks Court, Low Row, Brampton
Carlisle City Council - Community Overview and Scrutiny
Carlisle City Council - Corporate Policy Unit, Civic Centre, Carlisle
Carlisle Civic Trust, 6 Scotby Green Steading, Scotby, Carlisle
Carlisle College, Victoria Place, Carlisle
Carlisle Diocese, St Cuthbert's Vicarage, West Walls, Carlisle
Carlisle & District Law Society, Wellrash Barn, Wigton
Cumbria PCT, Wavell Drive, Rosehill, Carlisle
Carlisle & Eden Community Safety Partnership, Eden District Council, Town Hall, Penrith,
Carlisle Pubwatch, c/o Mr M Vose, The Kings Head, Carlisle
Carlisle & Rural Tenants Federation, 101 Briar Bank, Carlisle
Chinese Association, c/o King Lee Foods, Escott Works, Carlisle
Chiswick Residents Assoc. 15 Chiswick Street, Carlisle
Citizens Advice Bureau, Old Town Hall, Carlisle
Connexions Cumbria, 28 Lowther Street, Carlisle
Cumbria Ambulance Service, Infirmary Street, Carlisle
Cumbria Association of Local Councils, Penrith Library, Penrith
Cumbria Chamber of Commerce, Enterprise Centre, Carlisle
CADAS, 3-5 Victoria Place, Carlisle CA2 2EJ
Cumbria Food Liaison Group, Allerdale House, Workington
Cumbria Housing Group, Carlisle Housing Assoc. Botchergate, Carlisle
Carlisle City Council, Community Services, Pollution Liason Group, Civic Centre, Carlisle
National Society for the Prevention of Cruelty to Children, Chatsworth Sq, Carlisle
North Cumbria Acute Hospitals NHS Trust, Cumberland Infirmary,
Carlisle Carlisle Library 11 Globe Lane, Carlisle CA3 8NX
Brampton Library 1 Market Place, Brampton CA8 1NW
University of Cumbria, Fusehill Street, Carlisle

Council Members

Chief Executive & Council Directors

Appendix 5 – Responsible Authorities: Application addresses

Licensing Manager
Governance Directorate
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG
Tel: 01228 817523
Email: licensing@carlisle.gov.uk

Original application form,
fee, plans etc.

Principle Environmental Health Manager
Local Environment
Carlisle City Council
Health)
Civic Centre
Carlisle
CA3 8QG
Tel: 01228 817326
Email: EnvironmentalHealth@carlisle.gov.uk

Health & Safety
Food Safety
(Environmental

Development Management Manager
Economic Development
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Planning Authority

Tel: 01228 817175
Email: dc@carlisle.gov.uk

The Police Licensing Officer
Cumbria Constabulary
37 Shadygrove Road
Carlisle
CA2 7LD
Tel: 101

Chief Officer of Police
(Carlisle City area)

The Inspector
Cumbria Constabulary
Longtown Road
Brampton
Cumbria
CA8 1SJ

Chief Officer of Police
(Carlisle Rural area)

Tel: 101

Fire Safety Officer
Cumbria Fire & Rescue Service
Carlisle East
Community Fire Station
Eastern Way
Carlisle
CA1 3RA

Chief Fire Officer

Tel: 01228 221689
Email: stuart.graham1@cumbriacc.gov.uk

Business Support
Harm
Performance Unit
Children's Services
Lower Gaol Yard, The Courts,
Carlisle
CA1 1PU

Protection of Children from

Tel: 01228 226794
Email: LSCB@cumbria.gov.uk

Trading Standards
Community Fire Station
Eastern Way
Carlisle
CA1 3RA

Weights and Measures

Tel: 01539 713594
Trading.standards@cumbria.gov.uk

Health and Safety Executive
2 Victoria Place
other
Carlisle
CA1 1ER
Tel: 01228 539321

Health & Safety
(only Local Authority and
public buildings)

Public Health Lead
Cumbria County Council
The Courts
Carlisle
CA3 8NA
Tel: 01228 606060
publichealthenquiries@cumbria.gov.uk

Other useful Addresses

Arts Council England
14 Great Peter Street
London SW1P 3NQ
Tel 0845 300 6200

Email: enquiries@artscouncil.org.uk

Web: www.artscouncil.org.uk Web: www.drc-gb.org

Disability Rights Commission
DCR Helpline
Freepost MID01264
Stratford Upon Avon CV37 9BR
Tel: 08457 622 633

Association of Licensed Multiple Retailers
3rd Floor International House
Ealing
London W5 5DB
Tel: 0208 579 2080
Email: info@almr.org.uk

Equity
Guild House
Upper Martins Lane
London WC2H 9E
Tel: 0207 379 6000
Email: info@equity.org.uk
Web: www.equity.org.uk

British Beer and Pub Association
Market Towers
1 Nine Elms Lane
London SW8 5NQ
Tel: 0207 627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com

British Board of Film Classification
3 Soho Square
London W1D 3HD
Tel: 0207 4401 570
Email: helpline@bbfc.co.uk
Web: www.bbfc.co.uk

British Institute of Innkeeping
Wessex House
80 Park Street
Camberley
Surrey GU15 3PT
Email: reception@bii.org Tel: 01276 687 449

DRAFT
LICENSING POLICY WORKING GROUP
FRIDAY 25 SEPTEMBER 2015 AT 2.00PM

PRESENT: Councillors Shepherd and Mrs Warwick

Officers: C Liddle – Legal Services Manager
R Rooney – Democratic Services Officer

LPWG.06/15 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Stevenson.

LPWG.07/15 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

LPWG.08/15 END OF CONSULTATION – DRAFT STATEMENT OF LICENSING POLICY 2016-2021

The Legal Services Manager presented report GD.53/15 reminding the Group of the consultation period for the statement of Licensing Policy ended on 18 September 2015. Consultation had taken place with the trade, responsible authorities, Elected Members, individuals and was advertised in the local newspaper and City Council website.

The County Wide Working Group of Licensing Authorities met on 21 September to collate the responses to the consultation. The Legal Services Manager drew Members attention to report which set out the responses received and the Council's response to the issues raised.

The Working Group considered the consultation responses and the suggested amendments to the Draft Statement of Licensing Policy and

RESOLVED – 1) That the draft Statement of Licensing Policy 2016-2021 include the amendments as set out in report GD.53/15 save that at paragraph 3.4 of the Policy the amended wording is to read 'Confiscation of alcohol from adults and children in areas protected by Designated Public Place Orders, Public Space Protection Orders and dispersal powers' and the amendment to paragraph 6.6 is to read "Services" in place of "Scotland";

2) That the updated draft Statement of Licensing Policy 2016-2021 be referred to the Licensing Committee on 14 October 2015.

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The meeting ended at 2.15pm

Report to Licensing Committee

Agenda
Item:

A.4

Meeting Date: 14th October 2015
Portfolio: Finance, Governance and Resources
Key Decision: Yes: Recorded in the Notice Ref KD26/15
Within Policy and Budget Framework YES
Public / Private Public

Title: END OF CONSULTATION DRAFT STATEMENT OF GAMBLING POLICY 2016-2019
Report of: Director of Governance
Report Number: GD59/15

Purpose / Summary:

The Gambling Act 2005 received Royal Assent in April 2005. The main thrust of the legislation was that the Gambling Commission will be responsible for issuing operators and personal licences and local authorities will issue premises licences. One of the duties of the Local Authority is to consult and publish a statement of its Gambling Policy every 3 years. The fourth Policy review must be published by 31st January 2016 following a consultation process which commenced on 2nd July 2015 and ended on 24th September 2015. This Policy will be drawn up jointly between the Licensing Committee and Executive.

Recommendations:

1. Consider any responses to the consultation.
2. Consider the draft Gambling Policy and consultation responses received and discussed with the working group on 25th September 2015 prior to Executive agreement on 19th October 2015 with a view to adoption and publishing by 31st January 2016

Tracking

Executive:	19th October 2015
Council:	10th November 2015

1.BACKGROUND

1.1 One of the major requirements for local authorities following the publication of the Gambling Commissions 4th edition guidance (5th edition pending) will be the formulation, consultation and publication of its statement of Gambling Policy.

1.2 Section 349 of the Act reads:

A licensing Authority shall before each successive period of three years –

- a) prepare a statement of principles that they propose to apply in exercising their functions under this Act during that period, and
- b) publish the statement

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

1.3 In preparing a statement or revision under this section a licensing authority shall consult -

- a) the chief officer of police for the licensing authority
- 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 the Act.

1.4 For the 3 previous policies, a county wide officer working group from the six district authorities met and produced the draft. This was accepted by the Gambling Policy Working Group of our Licensing Committee and, following consultation, was adopted by full council.

1.5 It is coming up 3 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.

2. Current Review

2.1 On 8 April 2015 the first meeting of the county wide officer working group met to discuss the consultation process and commence the statement. It was agreed that consultation would take place between 2 July and 24 September 2015. The group have followed the Gambling Commission's recent consultation on proposed changes that ended on 22nd June 2015 (5th edition).

According to the Gambling Commissions consultation, changes proposed covered various matters including to:

- *“reflect recent changes to the social responsibility provisions within the Licence conditions and codes of practice issued to operators*
- *promote collaborative working between licensing authorities and local gambling operators to facilitate a coordinated approach to local issues*
- *continue the positive partnership working between the Commission and licensing authorities*
- *provide greater clarity about the wide range of powers afforded to licensing authorities to manage local gambling regulation through measures such as their statements of licensing policy”.*
- *Reinforce the importance of licensing authorities’ Statement of Licensing Policies and their management of local risks – the guidance introduces local risk assessments, which we have also seen introduced as a condition on operating licences, and local area profiles*
- *Provide guidance on other statutory powers which licensing authorities can use to resolve gambling related issues*

2.2 These have been reflected in the draft, but as yet, no information is available from the Gambling Commission on the results of their consultation.

2.3 Our draft consultation has now ended with the trade, responsible authorities, council members and individuals. The draft statement was also advertised in the local newspaper and on our website.

2.4 Whilst some changes have already been anticipated and included in our statement, the final version of the 5th edition of the Gambling Commission’s guidance is not scheduled to be published until the end of 2015/early 2016, which may dictate further amendments/additions to our published statement to reflect this.

2.5 Our Licensing Policy Working Group met on 25th September 2015 to consider the consultation responses.

3. LOCAL CONSULTATION RESPONSES and WORKING GROUP COMMENTS

3.1 The Racecourse Association Ltd wrote on 8th September 2015 (**Appendix A**) to comment on :

11.14 - location of gambling premises to be taken into account when assessing an application or variation and the Council to consider that the location will not have altered since its foundation, and cannot be transferred to another location.

The introduction of local area profiling coupled with the fact that a premises must now undertake, submit and review their risk assessment when applying for a new or variation (as per their amended Licence Conditions and Codes

of Practice - Feb 2015) should address any significant changes that occur in local circumstances. The Council will undertake a full local area profile when the Gambling Commissions 5th edition guidance is available.

11.27 Door Supervisors - requesting that the Council be aware that by imposing conditions on Licences, this may duplicate other regulatory regimes (Private security Industry Act 2001)

No conditions are currently imposed on Carlisle Racecourse regarding Door Supervisors. However, we retain the right to impose such conditions should there be a need. On many enforcement visits, the Jockey Club have been found to have non-front line staff on front line security areas. This is being monitored and may prove a reason to impose such a condition.

17.9 Betting Machines – The racecourse do not hold operating licences regarding betting machines. These are contracted to other operators who contractually fulfil any conditions with regard to the provision and supervision of these machines.

Noted – there are currently no conditions attached to Carlisle racecourse Licence.

17.10 A Condition of the standard rules of betting (Tattersall rules) being on display in leaflet or race card form may not be practical. However these are on displayed in line with premises licence mandatory and default conditions. *Noted. Carlisle City Council does not impose this condition on a licence and checks of these rules being on display are made when enforcement visits are undertaken.*

no amendment to the policy is necessary to accommodate these points

Acknowledgement was sent with a final response to be sent once the statement is published. **(Appendix B)**

3.2 Gosschalks wrote on behalf of the Association of British Bookmakers (ABB) dated 16th September 2015 **(Appendix C)** with comments that have been addressed as follows:

9.4 – date of 8th May 2015 to be amended to 6th April 2016.

11.3 – insert ‘Further it is under a duty not to take other irrelevant matters into consideration, eg; the likelihood of an applicant obtaining Planning Permission (see 11.11)’

11.4 – The first sentence to be amended to ‘ This licensing authority also notes the Gambling Commission guidance on ensuring that betting is the primary activity of a premises that only holds a betting premises licence’

11.7 – The first sentence to be amended to ‘ The general principles set out the type and number of high stake gaming machines allowable in a premises are restricted according to the type of premise licence or permit granted. LSSP also amended to LCCP.

11.14 – The City Council did not have such a policy but the draft Gambling Policy indicated what the authority would do should they introduce a policy. The paragraph would not be amended other than the removal of the last clause in the last sentence which was not required.

11.17 – the suggestion did not add anything to the Policy and would not be included.

11.21 – Conditions, the suggestion did not add anything to the Policy and would not be included.

16 - Betting Premises, the suggestion of listing the mandatory conditions be included in the draft Policy for clarity.

Acknowledgement sent by email with a final response to be sent once the statement is published.

CONCLUSION AND REASONS FOR RECOMMENDATIONS

To agree the amendments discussed with the Working Group prior to the Policy being recommended to Council on 10th November 2015 and publishing by 31st January 2016. See proposed amended Policy – Appendix D

Point 1.9) noted and agreed as above by working group.

Contact Officer: Sue Stashkiw
Licensing Manager

Ext: x7029

Appendices attached to report:

Appendix A Consultee response dated 8th September 2015
B Acknowledgement to response 14th September 2015
C Consultee response dated 16th September 2015
Appendix D Proposed amended Policy

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:

- None

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -

Deputy Chief Executive –

Economic Development –

Governance –

Local Environment –

Resources - The financial implications of adopting this policy can be accommodated from within base budgets.



The Racecourse Association Limited

Winkfield Road, Ascot, Berkshire, SL5 7HX

8 September 2015

Licensing Section
Governance Directorate
Civic Centre
Carlisle
CA3 8QG

Dear Sir/Madam,

Revision of Statement of Gambling Licensing Policy - Consultation

I am writing on behalf of the Racecourse Association, the trade association for 59 racecourses in Great Britain. We have read the Draft Statement of Gambling Policy for Carlisle City Council, to which we would like the opportunity to respond on behalf of our members, which includes Carlisle Racecourse.

Location (Paragraph 11.14) – The proposed location of gambling premises may be taken into account when assessing the application. The Councils are asked to consider that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location.

Door Supervisors (Paragraph 11.27) – The Councils are asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles, as recognised in Paragraph 11.25. In line with the stipulation that the Council will seek to avoid duplication with other regulatory regimes, the Councils should not impose any further provisions relating to door supervisors.

Betting Machines (Paragraph 17.9) – The Councils are asked to note that racecourses do not hold Operating Licenses and consequently any betting machines on racecourses will be provided by other operators. The racecourses will contractually require these operators to fulfil any conditions with regard to the provision and supervision of these machines.

Condition on Rules Being Displayed (Paragraph 17.10) – The Councils should be aware that it may not be practical for racecourses to print examples of the Standard Rules of betting (Tattersalls Rules) in their racecard or in a leaflet form. However,

these will be displayed, in line with the Premises Licence Mandatory and Default Conditions.

Should you wish to discuss the comments raised any further, please contact my colleague Holly Cook on 01344 873536 or holly.cook@racecourseassociation.co.uk

Kind Regards,

Sam Cone
Communications Executive
The Racecourse Association Ltd

cc: Geraldine McKay, Carlisle Racecourse



Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

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SL5 7HX

Enquiries to: Sue Stashkiw
Direct Dial: Licensing Manager
licensing@carlisle.gov.uk

14 September 2015

Dear Sirs

Draft Statement of Gambling Policy 2016-2019

Thank you for your letter dated 8th September 2015 in response to our above consultation.

Your comments will be taken into account when our Gambling Policy Working Group meets on 25th September 2015 and a full response will follow in due course.

Assuring you of our best attention at all times.

Yours faithfully

Licensing Manager



GOSCHALKS
SOLICITORS

Carlisle City Council
S J Stashkiw
Licensing Manager
Civic Centre
Carlisle
CA3 8QG

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004
#GS370933
Your ref:
Date: 16 September 2015

Dear Sir/Madam

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said:
"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

Local Risk Assessments

In Paragraph 9.4, there is an error. This paragraph suggests that the Social Responsibility Code Provision 10.1.1 and Ordinary Code Provision 10.1.2 take effect from 8th May 2015. These provisions come into force on 6th April 2016. The policy should be amended to reflect this.

Premises Licences

At 11.3, there is a statement that the authority will not consider moral objections or unmet demand when considering applications for premises licences. Later in the policy (at paragraph 11.11) there is a statement that the likelihood of the grant of planning permission or building regulation approval will not be taken into consideration. We respectfully submit that paragraph 11.3 be amended to include this as a further criterion.

We believe that the first sentence of paragraph 11.4 needs to be amended to reflect that the Gambling Commission's Guidance ensuring that betting is the primary activity of licensed premises relates to premises with betting premises licences only.

In paragraph 11.7, the first sentence needs to be amended as we believe that there are missing words. In addition, the Licence Conditions and Codes of Practice is referred to as LSSP. This needs to be amended to LCCP.

Location 11.14

The final two sentences of this paragraph cause the ABB concern. Any policy that a specific area is an area where gambling premises should not be located may be unlawful. This paragraph appears

to implement a cumulative impact type policy as exists within the licensing regime under Licensing Act 2003. Such a policy is contrary to the overriding principles of "aim to permit" contained within s153 Gambling Act 2005. Similarly, the reversal of the burden of proof in the final sentence that requires the applicant to demonstrate why an application should be granted is contrary to that principle. These two sentences should be removed and replaced the reiteration of the principle earlier in the policy that each case will be determined on its own merits.

Paragraph 11.17

This paragraph indicates that the licensing authority is aware of the distinction between disorder and nuisance. We respectfully submit that the policy would be assisted by stating that nuisance is not an issue for consideration under Gambling Act 2005 and that as far as the licensing authority is concerned, the Gambling Commission defines disorder as "intended to mean activity that is more serious and disruptive than mere nuisance."

Paragraph 11.21 – Conditions

We welcome the fact that any conditions attached will be proportionate, relevant and reasonable. We believe that the policy would be assisted by an acknowledgement that gambling premises are already subject to onerous, mandatory and default conditions. These conditions will usually suffice and it is only in circumstances where there is evidence that in a particular area, supplementary conditions should be imposed.

Paragraph 16 – Betting Premises

Paragraph 16.4 paraphrases the mandatory and default conditions attached to a betting premises licence. As these are mandatory, we respectfully submit that rather than paraphrasing these conditions, the mandatory and default conditions contained within parts 1 and 2 to Schedule 5 of the Gambling Act 2005 (Mandatory and Default Conditions)(England and Wales) Regulations 2007 be repeated in full. There can then be no doubt with regard to the conditions to which betting premises are subject.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,



GOSSCHALKS

CARLISLE CITY COUNCIL



Gambling Act 2005

Statement Gambling Licensing Policy

For the period 2016-2019

Contents

Preface	4
Part A	
1. The Licensing Objectives	5
2. Introduction	6
3. Declaration	7
4. Responsible Authorities	7
5. Interested Parties	8
6. Exchange of Information	9
7. Enforcement	9
9. Local Risk assessments	12
10. Local area profile	12
Part B	
Premises Licences	13
12. Adult Gaming Centres	19
13. (Licensed) Family Entertainment Centres (FEC)	20
14. Casinos	22
15. Bingo Premises	23
16. Betting Premises	25
17. Tracks	27
18. Travelling Fairs	29
19. Provisional Statements	30
20. Reviews	30
21. Rights of appeal and judicial review – Premises Licences	32

Part C

22.	Permits/Temporary & Occasional Use Notice	34
23.	(Alcohol) Licensed Premises Gaming Machine Permits-(Schedule 13 paragraph 4(1)	35
24.	Prize Gaming Permits - (Principles on Permits - Schedule 14 paragraph 8 (3))	36
25.	Club Gaming and Club Machines Permits	37
26.	Temporary Use Notices (TUN)	39
27.	Occasional Use Notice (OUN)	41
	Appendix 1 – List of Consultees	42
	Appendix 2: Responsible Authorities	44
	Appendix 3 - Categories of Gaming Machines	46
	Appendix 5 - Map of the District	48

This Statement of Gambling Licensing Policy was approved by Full Council on 10th November 2015

All references to the “Guidance” refers to the Gambling Commission's Guidance to Local Authorities version 4 published September 2012 / (will be updated after consultation to Version 5 published March 2015)

Preface

The Gambling Act 2005 ('the act') contains the regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread Betting. It received Royal Assent on 7th April 2005.

The Gambling Commission (the Commission) is the unified regulator for gambling in Great Britain.

The Commission does not regulate spread betting, which remains the responsibility of the Financial Services Authority; nor the National Lottery, which is regulated by the National Lottery Commission. However the National Lottery Commission has been co-located with the Gambling Commission since January 2012 and the Public Bill includes legislation to merge the two Commissions.

The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters. The Act sets out different types of operating licence that cover the full range of commercial gambling activities conducted in Great Britain. It also makes provision for the Commission to have powers of entry and inspection to regulate gambling, with safeguards for those subject to the powers.

Licensing Authorities license gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in club and miner's welfare institutes. The Act also provides a system of temporary and occasional use notices. These authorised premises that are not licensed generally for gambling purposes to be used for certain type of gambling, for limited periods.

Allerdale Borough Council, Barrow Borough Council, Carlisle City Council, Copeland Borough Council, Eden District Council and South Lakeland District Council have worked in partnership in preparing this statement. The Council's continue to work together to share best practice in an effort to ensure, so far as practicable, consistency of approach across Cumbria.

Part A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority’s statement of licensing policy

Authorised Activities

- 1.4 ‘Gambling’ is defined in the Act as either gambling, betting or taking part in a lottery:
- ‘gaming’ means playing a game of chance for a prize;
 - ‘betting’ means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true;
 - A ‘lottery’ is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.
- 1.5 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.
- 1.6 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council’s Licensing Team where appropriate.

2. Introduction

Carlisle is the largest city in England by area with a population of over 100,000. The city is at the northern extreme of the North West of England only 10 miles from the border with Scotland and is the urban capital of the county of Cumbria.

Carlisle dominates a huge area of geography with its nearest city neighbors being Newcastle 58 miles to the East, Glasgow 96 miles to the North, Lancaster 68 miles to the South with the Irish Sea to the West. Carlisle is easy to get to and the perfect Centre to explore further afield, with the Lake District right on its doorstep.

The population profile % for residents in 2013 is as below:

Age (Years)	Population	No. Change	% Change	
Mid-2003	Mid-2013	Mid-2003 - Mid-2013	Mid-2003 - Mid-2013	
All Ages	102,800	107,900	5,200	5.0
0 - 14	17,400	17,400	-100	-0.4
15 - 29	18,200	19,600	1,400	7.4
30 - 44	22,400	20,000	-2,500	-10.9
45 - 59	20,800	23,000	2,200	10.7
60 - 74	15,300	18,200	2,800	18.3
75 - 84	6,500	7,000	500	7.4
85+	2,000	2,800	800	40.6

- 2.1 A map of the Council's area is included at Appendix 5. The key provided identifies the urban/rural areas
- 2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- 2.3 Carlisle City Council consulted widely upon this statement before finalising and publishing. A list of those persons this authority consulted is provided at Appendix 1.
- 2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
 - The Chief Officer of Police;
 - 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 Gambling Act 2005.

- 2.5 Our consultation took place between 2nd July 2015 and 24th September 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008) which is available at: <http://www.bis.gov.uk/files/file47158.pdf>
- 2.6 The full list of comments made and the consideration by the Council of those comments is available by request to the person named below.
- 2.7 The policy was approved at a meeting of the Full Council on 10th November 2015. It was published on our website on <http://www.carlisle.gov.uk/business/licences.aspx> and advertised in a local newspaper. Copies have been sent to the public libraries in the District as well as being available in the Council Offices.
- 2.8 Should you have any queries regarding this policy statement please send them via e-mail or letter to the following contact:

Name: The Licensing Manager

Address: Carlisle City Council, Civic Centre, Carlisle CA3 8QG

E-mail: licensing@carlisle.gov.uk

Tel: 01228 817523

- 2.9 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3. Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to the Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

4. Responsible Authorities

- 4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
 - The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.
- 4.2 In accordance with the suggestion in the Gambling Commission's Guidance to local authorities, this authority has consulted with both the Cumbria Safeguarding Children Board and Cumbria County Council Children's Services. This Authority considers that Cumbria

County Council Children's Services is best able to fulfil the role of advising the Authority about the protection of children from harm for the purposes of Section 157(b) of the Act.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: www.carlisle.gov.uk and are listed at Appendix 2.

5. Interested Parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person:

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party.
- 5.3 This authority will not apply a rigid rule to its decision making and each case will be decided upon its merits. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at Paragraphs 8.11 to 8.18.
- 5.4 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.5 The Gambling Commission has recommended that the licensing authority states that interested parties may include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they represent a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 5.6 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is likely to be sufficient.
- 5.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not a Member of the Licensing Committee dealing

with the licence application. If there are any doubts then please contact the Council's Licensing Department.

6. Exchange of Information

- 6.1 Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. This authority will normally share the information it holds about licensed premises with the following persons or bodies:
- A constable or police force
 - an enforcement officer
 - another Licensing Authority
 - HMRC
 - The Gambling Appeal Tribunal
 - The Secretary of State
 - Scottish Ministers

The Licensing Authority will also exchange information as per section 13 of the 5th edition Guidance issued to Local Authorities.

7. Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers in the Act to institute criminal proceedings in respect of the offences specified.
- 7.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and 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, and keep regulations simple and user friendly; and
 - Targeted: regulation should be focused on the problem, and minimise side effects.
- 7.3 As per the Gambling Commission's Guidance to Licensing Authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.
- 7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;
- The licensing objectives
 - Relevant codes of practice
 - Guidance issued by the Gambling Commission, in particular at Part 36
 - The principles set out in this statement of licensing policy
- 7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.
- 7.7 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the Regulatory functions of local authorities.
- 7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement policy is available upon request to the licensing department.

8. Licensing Authority Functions

Local Authorities

- 8.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - Issue Provisional Statements
 - Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
 - Issue Club Machine Permits to Commercial Clubs

- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions
- Exercise its powers of compliance and enforcement under the Act, in partnership with the Gambling Commission and other relevant responsible authorities.

It should be noted that licensing authorities are not involved in licensing remote gambling at all, which is regulated by the Gambling Commission via operating licences.

The Gambling Commission

- 8.2 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the matter in which gambling is carried out, the effects of gambling and the regulations of gambling generally.
- 8.3 The Commission has issued guidance under Section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- 8.4 The Commission has also issued Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.
- 8.5 The Gambling Commission can be contacted at:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Website: www.gamblingcommission.gov.uk
Email: info@gamblingcommission.gov.uk

9. Local Risk assessments

- 9.1 The Commission's Licence Conditions and Code of Practice (LCCP) which were revised and published in February 2015 formalised the need for operators to consider local risks.
- 9.2 Social Responsibility (SR) code 10.1 requires licensees to assess the local risk to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement.
- 9.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- When applying for a variation of a premises licence
 - To take account of significant changes in local circumstances, including those identified in this policy statement
 - Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 9.4 The SR provision is supplemented by an ordinary code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions take effect **from 6th April 2016**.
- 9.5 Where concerns do exist, perhaps promoted by new or existing risks, the Licensing Authority will request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of license conditions are required.
- 9.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.

10. Local area profile

- 10.1 The Licensing Authority can complete their own assessment of the local environment as a means of 'mapping out' local areas of concern, which would be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile, however benefits for both the Licensing Authority and Operators would be in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.

- 10.2 As stated, there is no mandatory requirement to have a local area profile and Carlisle City Council will proactively engage with all responsible authorities as well as other organisations; public health, mental health, housing, education, community welfare groups and safety partnerships to ensure any new or varied applications are assessed taking the local area profile and any risks into account.

Part B

Premises Licences

11. General Principles

- 11.1 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The licensing authority is able to exclude default conditions and also attach others, where it is believed to be appropriate
- 11.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - In accordance with the authority's statement of licensing policy.
- 11.3 This authority will not regard moral objections to gambling as a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' - see section on Casinos below) and also acknowledges that unmet demand is not a criterion for a licensing authority to consider. **Further the authority is under a duty not to take other irrelevant matters into consideration eg; the likelihood of an applicant obtaining Planning Permission (see 11.11)**
- 11.4 This licensing authority also notes the Gambling Commission guidance on ensuring that betting is the primary activity of **a premises that only holds a betting premises licence**. Gaming machines may be available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licenses.

In making this determination, this licensing authority will have regard to the six indicators of betting as a primary gambling activity.

- the offer of established core products (including live event pictures and bet range)

- the provision of information on products and events
- the promotion of gambling opportunities and products
- the actual use made of betting facilities
- the size of premises
- the delivery of betting facilities

11.5 Definition of “premises” – In the Act, premises is defined as including “any place”. Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

- 11.6** The Gambling Commission states in the fifth edition of its Guidance to Licensing Authorities that: “In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”
- 11.7** The **general principles set out the type and number of high state gaming machines allowable in a premise are restricted** according to the type of licence or permit granted. For example, a converted casino licence allows for 20 gaming machines in categories B, C or D. With exception of AGCs and FECs, premises are not permitted to be used exclusively for making available gaming machines, but rather to provide the gaming facilities corresponding to the premises licence type. The Licence Conditions and Codes of Practice (**LCCP**), sets out in full the requirements on operators.
- 11.8** With exception of bingo clubs, tracks on race-days, and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
- 11.9** This Licensing Authority takes particular note of the Gambling Commission’s Guidance to Licensing Authorities which states that: “licensing authorities should take particular care in considering applications for multiple licences for a building and those related to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should

be configured so that children are not invited to participate in, have accidental access to or closely observe gaming where they are prohibited from participating.

- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities named on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from other gambling premises?

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

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

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.26 of the Guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence.

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.26 Guidance to Licensing Authorities) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a cafe – the whole area would have to be licensed.

Tracks

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

Bingo Premises

- No customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

Family Entertainment Centre

- No customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

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

11.11 In determining applications, the Licensing Authority has the duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulation approval for their proposal. Bearing in mind that once a premises licence comes into effect it authorises the premises to be used for gambling, a licence can only be issued once the Licensing Authority is satisfied that the premises is ready to be used for gambling in the reasonably near future.

11.12 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. See section 19 of this policy for further guidance.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

11.13 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

11.14 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children

and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits. *(remove: with the onus upon the applicant showing how potential concerns can be overcome.)*

11.15 Duplication with other regulatory regimes - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

11.16 Licensing Objectives

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.

11.17 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area should have known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.

11.18 Ensuring that gambling is conducted in a fair and open way - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Gambling Commission. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below at Paragraph 17.

11.19 Protecting children and other vulnerable persons from being harmed or exploited by gambling - With limited expectations, the intention of the Gambling Act is that 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 objective refers to protecting children from being 'harmed or exploited by gambling'. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gaming products are not aimed at children or advertising in such a way that makes them particularly attractive to children, excepting Category D gaming machines. The licensing

authority will therefore consider, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

11.20 The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs. This licensing authority will consider, in relation to a particular premises, whether any special considerations apply in relation to the protection of vulnerable persons, on a case by case basis.

11.21 **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

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

11.23 This licensing 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.

11.24 This authority will also ensure that where category D (for information about the different categories of machine, please see appendix 3) 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 areas where there are Category A, B or C machines, in such areas there must be 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

- 11.25 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 consider the impact upon the objective to protect children and other 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.
- 11.26 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- 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 be 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.
- 11.27 **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.
- 11.28 Section 178 of the Gambling Act 2005 sets out a definition of 'door supervisor', and provides that where a person employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.
- 11.29 It should be noted that the above paragraphs relate to door supervisors only in relation to premises licences granted under the Gambling Act 2005. Where a premises licence has also been granted under the Licensing Act 2003 in relation to the same premises, there may also be conditions on that licence which relate to door supervisors. The premises licence holder should ensure compliance with those conditions.
- 11.30 The requirement for SIA licence door supervisors is relaxed when applied to door supervisors at casino or bingo premises. Where 'contract' staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by SIA. However 'in- house' employees working as door supervisors at casino and bingo premises are exempt from these requirements.

12. Adult Gaming Centres

- 12.1 Persons operating an Adult Gaming Centre (AGC) must hold a gaming machines general operating licence (Adult Gaming Centre) from the Commission and must seek a premises

licence from the licensing authority. They will be able to make category B, C and D gaming machines available to their customers.

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.

12.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as: Proof of age schemes

- CCTV – this should be of sufficient quality that it will be of use in evidence
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes – these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

12.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

12.4 The following mandatory conditions will be attached to adult gaming centre premises licences:

- A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.
- There can be no direct access between an AGC and any other premises licensed under the Act or premises with a Family Entertainment Centre, club gaming, club machine or licensed premises gaming machine permit. There is no definition of 'direct Access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.
- Any ATM made available for use on the premise shall be located in place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

13. (Licensed) Family Entertainment Centres (FEC)

13.1 The Act creates two classes of Family Entertainment Centres (FEC). This section of the policy concerns licenced FECs. Persons operating a licensed FEX must hold a gaming machine general operating licence (Family Entertainment Centre) from the Commission and

must seek a premises licence from the Licensing Authority. They will be able to make category C and D gaming machines available to their customers. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits (see Section B of this policy).

- 13.2 This Licensing Authority will specifically have regard to the need to protect children and young persons. Children and young persons will be permitted to enter an FEX and may play on the category D machines. They are not permitted to play on a category C machines, and it is a requirement that there must be clear segregation between the two types of machines, so that children do not have access to category C machines.
- 13.3 This licensing authority will refer to the Gambling 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. It will normally impose conditions on granting licences which accord with the above. This licensing authority will also make itself aware of and impose any mandatory or default conditions on these premises licences.
- 13.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV – this should be of sufficient quality that it will be of use in evidence
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
 - 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
- 13.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.
- 13.6 Mandatory conditions attached to FEC premises licences:
- The summary of the terms and conditions of the premises licence issued by the Licensing Authority under section 164(1) (c) of the Act must be displayed in a prominent place within the premises.
 - The layout of the premises must be maintained in accordance with the plan.
 - The premises must not be used for sale of tickets in a private lottery or customer lottery, or the National Lottery.
 - No customer shall enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track). There is no definition of 'direct Access' in the Act or regulations. However, it could be said that there should be an area separating the premises

concerned (for example, a street or café), which the public got for purposes other than gambling, for there to be no direct access.

- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over-18 areas within FECs that admit under-18s must be separated by a barrier with prominently displayed notices at the entrance stating that under -18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

14. Casinos

- 14.1 Section 7(1) of the Act states that ‘a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games’. Casinos games are defined by the Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.
- 14.2 Protection of children and young persons – No-one under the age of 18 is permitted to enter a casino and operators are required to display notices to this effect at all entrances to a casino. Children and young persons are not allowed to be employed at premises with a casino premises licence.
- 14.3 *No Casinos resolution* - This licensing authority has not passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.
- 14.4 *Casinos and competitive bidding* - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators who will want to run the casino. In such situations the local authority will run a ‘competition’ under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.
- 14.5 *Licence considerations/conditions* – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission’s Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission. The mandatory conditions attached to all casino premises are as follows:

- Access to the premises is regulated to add additional safeguards for both the public and industry. Mandatory conditions that must be attached to all casino premises licences require that the principal entrance to the casino should be from a street. A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres), whether it is a thoroughfare or not.
- A mandatory condition requires that no customer must be able to enter the casino from any other premise holding a casino, bingo, AGC, FEC or betting premises licence, or from premise where a FEC, club gaming and club machine, or licensed premises gaming machine permit, has effect.
- There should be no access to a casino from premises wholly or mainly used by children and young persons.
- No other gambling equipment may be situated within two meters of any ordinary gaming table. For the purpose of these conditions an ordinary gaming table means one which is not wholly or partially automated.
- A maximum of 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
- All casinos must display the rules of each type of casino game that can be played on the premises in a prominent place within both the table gaming area and other gambling areas to which customers have unrestricted access. Licensees may do this either by displaying clear and legible signs or by making available to customers leaflets or other written material setting out the rules.
- ATMs must be positioned so that customers must cease to gamble at tables or gaming machines in order to use them.
- The default opening hours of all casinos are noon to 6am.

There are mandatory conditions relating to small casinos, large casinos, and converted casinos premises licence which are detailed in section 17 of the guidance.

- 14.6 *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.

15. Bingo Premises

- 15.1 This licensing authority notes that the Gambling Commission's Guidance states: 15.1 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 premises
- 15.2 Under the Act, children and young persons (anyone under the age of 18) cannot be employed in providing any facilities for gambling or bingo premises, and children (under 16) cannot be employed, in any capacity at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), providing the activities on which they are employed is not connected with the gaming or gaming machines.

- 15.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in 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. 15.4 Section 172(7) provides that the holder of a bingo premises licence may make available for use a number of category B machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13th July 2011 are entitled to make available eight category B gaming machines, 20% of the total number of gaming machines, whichever is the greater. The holder of bingo premises licence granted on or after 13th July 2011 but before 1st April 2014 is entitled to make available a maximum of eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1st April 2014 these premises will be entitled to 20% of the total number of gaming machines only. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A lottery machines.
- 15.4 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licenced premises) is not permissible for all the gaming machines to which each of the licence brings an entitlement to be grouped together within one of the licensed premises.

Bingo in clubs and alcohol-licensed premises

- 15.5 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains low stakes and prize activity.
- 15.6 Where the level of bingo played in these premises reaches a certain threshold (i.e. bingo played during any seven day period exceeds £2,000 either in money taken or prizes awarded once in a year), there is a legal duty on the Licensee or club to inform the Commission as soon as is reasonably practicable. Stakes or prizes above that limit will require bingo operators' licence and corresponding personal and premises licence.
- 15.7 The following mandatory conditions must be attached to a bingo premises licence:
- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
 - No customer shall be able to enter bingo premises directly from casino, an adult gaming centre or betting premises (other than a track).
 - Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
 - Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.

- Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

Default conditions to attach to bingo premises licence:

- Bingo facilities in bingo premises may not be offered between the hours of midnight and 09:00hours. However, there are no restrictions on access to gaming machines in bingo premises.

16. Betting Premises

- 16.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council. Children and young persons will not be able to enter premises with a betting premises licence, although exemptions apply to tracks. Children and young persons are not allowed to be employed at premises with a betting premises licence.
- 16.2 Betting premises will be able to provide 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.
- 16.3 *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.
- 16.4 The following mandatory conditions will be **attached to a betting premises licence (other than track premises licences) as stated within parts 1 and 2 to Schedule 5 of the Gambling Act 2005:**

PART 1

1. A notice stating that no person under the age of 18 years is permitted to enter the premises shall be displayed in a prominent place at every entrance to the premises.
- 2.—(1) Access to the premises shall be from a street or from other premises with a betting premises licence.
(2) Without prejudice to sub-paragraph (1), there shall be no means of direct access between the premises and other premises used for the retail sale of merchandise or services.
3. Subject to anything permitted by virtue of the 2005 Act, or done in accordance with paragraphs 4, 5, 6 and 7 below, the premises shall not be used for any purpose other than for providing facilities for betting.
4. Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
5. No apparatus for making information or other material available in the form of sounds or visual images may be used on the premises, except for apparatus used for the following purposes—
(a) communicating information about, or coverage of, sporting events, including
(i) information relating to betting on such an event; and
(ii) any other matter or information, including an advertisement, which is incidental to such an event;

(b) communicating information relating to betting on any event (including the result of the event) in connection with which betting transactions may be or have been effected on the premises.

6. No publications, other than racing periodicals or specialist betting publications, may be sold or offered for sale on the premises.

7. No music, dancing or other entertainment shall be provided or permitted on the premises, save for entertainment provided in accordance with paragraph 5.

8.—(1) No alcohol shall be permitted to be consumed on the premises at any time during which facilities for gambling are being provided on the premises.

(2) A notice stating the condition in sub-paragraph (1) shall be displayed in a prominent place at every entrance to the premises.

9. A notice setting out the terms on which customers are invited to bet on the premises shall be displayed in a prominent place on the premises to which customers have unrestricted access.

PART 2

Default conditions attaching to betting premise licences (other than in respect of tracks)

No facilities for gambling shall be provided on the premises between the hours of 10pm on one day and 7am on the next day.

(REMOVE :-

- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).
- Any ATM machine made available for use on the premises shall be located in place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
 - Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
 - Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.

Betting operator-owned TV channels are permitted.

- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within the above condition or machines which do not come within categories of machine explicitly allowed in betting premises under section 172(8) of the Act.
- The consumption of alcohol on the premises is prohibited.

- *The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.*
- *A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.*

Default conditions attached to betting premises licence:

- *Gambling facilities may not be offered in betting premises between the hours of 22:00 hours on one day and 07:00 hours on the next day, on any day.)*

17. Tracks

- 17.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site or venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. Examples of track include:
- A horse racecourse (racecourses)
 - A greyhound track
 - A point-to-point horserace meeting
 - Football, cricket and rugby grounds
 - An athletics stadium
 - A golf course
 - Venues hosting darts, bowls, or snooker tournaments
 - A premises staging boxing matches
 - A section of river hosting a fishing competition
 - A motor racing event
- 17.2 Track operators are not required to hold an 'operator's licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 17.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 17.4 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.
- 17.5 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.

- 17.6 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV– this should be of sufficient quality that it will be of use in evidence
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 17.7 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.
- 17.8 *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.
- 17.9 *Betting machines* - Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the 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.

- 17.10 *Condition on rules being displayed* - A condition will normally be attached to track premises licences requiring the track operator to ensure that the rules relating to tracks which are contained in the Act 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.
- 17.11 *Applications and plans* – The 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, para 20.28).

- 17.12 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance, para 20.29).
- 17.13 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance, para 20.31)
- 17.14 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (See Guidance, para 20.32).
- 17.15 This authority appreciates 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 the 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 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, para 20.33).

18. Travelling Fairs

- 18.1 This licensing authority is responsible for deciding 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.
- 18.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair:
- For the purposes of this Act –
- (a) “fair” means a fair consisting wholly or principally of the provision of amusements, and
 - (b) a fair held on a day in a calendar year is a “travelling fair” if provided-
 - (i) wholly or principally by persons who travel from place to place for the purpose of providing fairs, and
 - (ii) At a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.
- 18.3 It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a calendar year basis, 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.

19. Provisional Statements

- 19.1 Developers may wish to apply to this authority for provisional statement before entering into a contract to buy or lease property or land to judge 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.
- 19.2 S204 of the Act provides for a person to make application to the licensing authority for a provisional statement in respect of premises that he or she:
- Expects to be constructed;
 - Expects to be altered; or
 - Expects to acquire a right to occupy.
- 19.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.
- 19.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.
- 19.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they:
- concern matters which could not have been raised by objectors at the provisional licence stage; or
 - Reflect a change in the operator's circumstances.
- 19.6 In addition the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- Which could not have been raised by objectors at the provisional statement stage;
 - Which in the authority's opinion reflect a change in the operator's circumstances; or
 - Where the premise has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

20. Reviews

- 20.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - In accordance with this authority's statement of licensing policy.
- 20.2 The request for a review will also be subject to the consideration by the licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 20.3 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 20.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 20.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- Add, remove or amend a licence condition imposed by the licensing authority;
 - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - Suspend the premises licence for a period not exceeding three months; and
 - Revoke the premises licence.
- 20.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in s153 of the Act, as well as any relevant representations.
- 20.7 In particular, the licensing authority may also initiate a review of the premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 20.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- The licence holder;
 - The applicant for review (if any);
 - The Gambling Commission;
 - Any person who made representations;
 - The Chief Officer of Police or Chief Constable;
 - Her Majesty's Commissioners for Revenues and Customs.

21 Rights of appeal and judicial review – Premises Licences

- 21.1 This section deals only with appeals relating to premises licensing and other decisions by the Licensing Authority. The avenues of appeal against decisions the Licensing Authority are set out in sections 206 and 209 of the Act.
- 21.2 If an application under Part 8 of the Act is rejected, only the applicant may appeal. If an application under Part 8 of the Act is granted, the applicant and a person who made representations may appeal. It does not automatically follow that the person who made the representations will be appellant. It could be the licensee who is appealing, because he or she considers conditions attached to the licence too onerous. Similar arrangements will apply in appeals against a decision not to take action following a review, and in relation to the grant of temporary use notices. The Licensing Authority will choose who it has as its witness.
- 21.3 If the Licensing Authority takes action or determines to take no action (which may include revocation or suspension of the licence, or the removal or addition of licence conditions) after the review of a licence, any of the following may appeal:
- The licence holder
 - A person who made representations in relation to the review
 - Where relevant, the person who applied for the review
 - The Commission.
- 21.4 Where the Licensing Authority makes a decision in relation to the transfer of a premises licence, which may involve amending licence conditions, the licence holder and the applicant for transfer have a right of appeal.
- 21.5 Notice of an appeal must be given within 21 days of notice of the decision being received by the appellant. During that period, and until any appeal that has been brought has been finally determined, a determination or the other action by the Licensing Authority under Part 8 of the Act will not have effect unless the authority so directs (see section 208 of the Act).
- 21.6 In many cases, it is a requirement of the Act that Licensing Authority gives clear and comprehensive reasons for rejection of an application. It will give reasons for all its decisions (see section 165 of the act, which is also applied in relation to other applications under Part 8 of the Act). A failure to give reasons may compel a person to appeal, and may suggest that the Licensing Authority did not make its decision with regard to all the information that it should have regard to, and in line with its obligation under section 153 (regardless of the decision that was reached).
- 21.7 Any appeal against the Licensing Authority is made to the Magistrates court. The Magistrates court is located at:
The Court House, Burneside Road, Kendal Cumbria LA9 4TJ Tel: 01229 820 161

21.8 An appeal has to be commenced by giving of a notice of appeal by the appellant to the local magistrate's court within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed.

21.9 It should be noted that unless he is the appellant, the licence holder or a person who has made application for:

- A licence
- The transfer or reinstatement of a licence
- A provisional statement

Is a respondent in any appeal, in addition to the Licensing Authority.

21.10 On determining an appeal, the court may:

- Dismiss the appeal
- Substitute the decision appealed against with any other decision that could have been made by the Licensing Authority
- Remit the case to the Licensing Authority to dispose of the appeal in accordance with the direction of the court.

Provisional statements

21.11 A provisional statement can be refused on exactly the same grounds as a premises licence. The applicant may appeal against the rejection of an application of a provisional statement under section 206(1); and a person who made representations or the applicant may appeal against the grant of an application.

Permits

21.12 The process of appeals in respect of permits is different to that for premises licences and is set out in the following Schedules of the Act:

- Schedule 10 – Family entertainment centre gaming machine permits (further explained in paragraphs 12.21 – 12.23 of the guidance).
- Schedule 11 (Parts 4 and 5) – Small society lotteries (further explained in paragraphs 12.24 – 12.25 of the guidance).
- Schedule 12 – Club gaming permits and club machine permits (further explained in paragraphs 12.26 – 12.31 of the guidance).
- Schedule 13 – Licensed premises gaming machine permits (further explained in paragraphs 12.32 – 12.34 of the guidance).
- Schedule 14 – Prize gaming permits (further explained in paragraphs 12.35 – 12.37 of the guidance).

Temporary use notices

21.13 Appeals in relation to temporary use notices are detailed with in section 226 of the Act. This section grants the right to appeal to the magistrates' court to both the applicant and any person entitled to receive a copy of the notice (that is the Commission, local chief of police and HM Revenue and Customs). Appeals must be made within 21 days of receiving the notice of the Licensing Authority's decision. If the appeal is against the decision of the authority not to issue a counter-notice, then the person giving notice must be joined with the Licensing Authority as a respondent in the case.

21.14 The magistrates' court may take the following action: dismiss the appeal, direct the authority to take specified action, remit it back to the authority to decide in accordance with a decision

of the court, and make an order for costs. It should be noted that if the decision is remitted to the authority, the same rights of appeal will apply as for the original decision.

21.15 There is no stay of proceedings in relation to temporary use notices (as there are in relation to applications under Part 8 of the Act). However, the time limits are such that the Commission would expect proceedings on appeal to be heard before the temporary use notice would otherwise take effect.

Judicial review

21.16 Any party to a decision may apply for judicial review if they believe that the decision taken by the Licensing Authority is:

- Illegal – that is beyond the powers available to the Licensing Authority
- Subject to procedural impropriety or unfairness – which is failure in the process of reaching the decision, such as not observing the ‘rules of natural justice’
- Irrational – where a decision is so unreasonable that no sensible person could have reached it (in effect ‘perverse’ or ‘Wednesbury’ unreasonable).

21.17 For an application to succeed, the application must show that:

- The applicant has sufficient standing to make that claim
- The actions of the reviewed Licensing Authority give grounds for review

But the remedy is a discretionary one and the Court may decline judicial review if, for example, it considers that the applicant has an alternative remedy which is more appropriate to pursue, such as right of appeal, or has a private law claim against the defendant.

21.18 The applicant can ask the Court to grant a number of orders. A mandatory order compels the reviewed body to do something; a prohibition order compels it to refrain from doing something; a ‘declaration’ sets out the court’s view on the legality of particular course of action, the applicant can seek an injunction which is, in practice, similar to a mandatory or prohibition order.

Part C

Permits/Temporary & Occasional Use Notice

22. Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

22.1 Family Entertainment Centres (FECs) are commonly located at seaside resorts, in airports and motorway service stations, and cater for families, including unaccompanied children and young persons. Unlicensed FECs are able to offer only category D machines in reliance on gaming machine permit. Any number of category D machines can be made available with such permit subject to other considerations, such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.

22.2 If the operator of a family entertainment centre wants to make category C machines available in addition to category D machines, the operator will need to apply for a gaming

machine general operating licence (Family Entertainment Centre) from the Commission and a premises licence from the Licensing Authority.

- 22.3 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (s238 of the Act).
- 22.4 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance also states "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, Licensing Authorities will want to give weight to child protection issues" (para, 24.6).
- 22.5 Guidance also states: "... An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing Authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 22.6 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 22.7 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.
- 22.8 This Licensing Authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (Schedule. 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

23 (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))

- 23.1 *Automatic entitlement: up to 2 machines* - 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 operator of the premises merely needs to notify the Licensing

Authority and pay the prescribed fee. The Licensing Authority 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.

23.2 *Permit: 3 or more machines* - If the operator of alcohol licensed premises wishes to have more than 2 machines, then an application must be made for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance and code of practice issued by the Gambling Commission issued under Section 24 & 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

23.3 This Licensing Authority 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 authority 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 authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be a 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.

23.4 This Licensing Authority recognises that some operators of 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.

23.5 The Licensing Authority may 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.

23.6 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.

24. Prize Gaming Permits - (Principles on Permits - Schedule 14 paragraph 8 (3))

24.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”. 23.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;

- that the gaming offered is within the law;
- Clear policies that outline the steps to be taken to protect children from harm.

24.2 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only. 23.4 In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Schedule. 14 para. 8(3) of the Act).

24.3 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.

25. Club Gaming and Club Machines Permits

25.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance.

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

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

25.46 The licensing authority 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 account of a number of matters outlined in sections 25.47-25.49 of 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. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

The club must be conducted 'wholly or mainly' for the 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.

- 25.2 The Guidance also states that licensing authorities may only refuse an application on the grounds that:
- 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;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - An objection has been lodged by the Gambling Commission or the police.
- 25.3 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). 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".
- 25.4 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 location and operation of gaming machines.

26. Temporary Use Notices (TUN)

- 26.1 The Gambling Act 2005 enables the holder of an operating licence to give a Temporary Use Notice in respect of premises.

The TUN authorises the premises to lawfully be used for short period to provide facilities for gambling without the appropriate premises licence. The gambling must be in accordance with the terms of the TUN.

TUNs can only be made by the holder of an operating licence authorising them to provide the gaming activity proposed under the TUN.

- 26.2 The holder of the operating licence must give notice to the Licensing Authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:
- The type of gaming to be carried on
 - The premises where it will take place
 - The dates and times the gaming will take place
 - Any periods during the previous 12 months that a TUN has had effect for the same premises.
 - The date on which the notice is given

- The nature of the event itself.
- 26.3 The same set of premises may not be the subject of a TUN for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.
- 26.4 If the premises have been the subject of one or more TUN for more than a total of 21 days in the past 12 months, the Licensing Authority will issue a counter-notice that has the effect of stopping the TUN coming into effect. Failure to comply with the counter-notice will be an offence. The Licensing Authority may issue a counter-notice which limits the number of days that the TUN comes into effect, bringing it within the 21-day limit. Such counter-notices require consultation with the applicant to ensure that the restrictions they impose do not result in an unworkable event.
- 26.5 As notices may be given by different operators in respect of the same premises, the Licensing Authority will always check whether a counter-notice is appropriate.
- 26.6 A notice may not be given in respect of a vehicle. A notice may be given in respect of a vessel, but only if it is a passenger vessel or a vessel that is situated at a fixed place. A vessel at a fixed place would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of a lake). It should be noted that a notice can only be given in respect of a vessel that is moored permanently at place (i.e. it could move but it does not) if it is a passenger vessel.
- 26.7 A TUN must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. The application, fee and counter-notices are specified by the Secretary of State. The application must be copied to:
- The Commission
 - The Police
 - HM Commissioners for Revenue and Customs
 - If applicable, any other Licensing Authority in whose area the premises are situated
- 26.8 The person who is giving the TUN must ensure that the notice and the copies are with the recipients within seven days of the date of the notice. Where the premises are situated in the area covered by more than one authority, the person giving notice must send other notice to one authority and copy to the other(s).
- 26.9 Where the Licensing Authority receives a notice, it must send a written acknowledgement as soon as reasonably practicable. A written acknowledgement may include one sent by electronic mail.
- 26.10 The Licensing Authority and other bodies to which the notice is copied should consider whether they wish to give notice of objection. In considering whether to do so, they must have regard to the licensing objectives and if they consider that the gambling should not take place, or only with modifications, they must give a notice of objection to the person who gave the TUN. Such a notice must be copied to the Licensing Authority (unless it is given by the Licensing Authority). The notice of objection and the copy to the Licensing Authority must be given within 14 days of the date of the TUN. An objection and the copy to the Licensing Authority must be given within 14 days of the date of the TUN. An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.

- 26.11 The Licensing Authority has noted the timescales set out in the Act. The need to give a notice of objection within 14 days of the date of the TUN means that there must be procedures to ensure that such notices are considered without delay so that, where appropriate, the opportunity to lodge an objection is not missed.
- 26.12 If objections are received, the Licensing Authority must hold a hearing to listen to representations from the person who gave the TUN, all the objectors and any person who was entitled to receive a copy of the notice. If all the participants agree that a hearing is unnecessary, it may be dispensed with.
- 26.13 Those who raise objections may offer modifications to the notice that will alleviate their concerns. Remedies may include a reduction in the number of days when gambling occurs or a restriction on the type of gambling is permitted. If the modifications are accepted by the applicant, a new TUN must be prepared and the original notice withdrawn. The three-month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others whom it is copied may object. If there are no new objections, there will be no need for a hearing.
- 26.14 If the Licensing Authority, after a hearing has taken place or has been dispensed with, considers that the TUN should not have effect, it must issue a counter-notice which may:
- Prevent the TUN from taking effect
 - Limit the activities that are permitted
 - Limit the time period of gambling
 - Allow the activity to take place subject to a specified condition
- 25.15 If the Licensing Authority gives a counter-notice, it must give reasons for doing so and must copy the counter-notice to all those who receive copies of the TUN.
- 26.16 If the Licensing Authority decides not to issue a counter-notice, the TUN will take effect. The must give notice of its decision to the person who gave the TUN and others to whom it was copied.
- 26.17 An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrate's Court within 21 days of receiving notice of the Licensing Authority's decision. There is a further right of appeal to the High Court on a point of law.
- 26.18 If no objections are made within 14 days of the date of the notice, the Licensing Authority must endorse the notice as valid and return it to the person who gave it. If the endorsed copy of the notice is lost, stolen or damaged, the person who gave the notice may request a new endorsed copy from the Licensing Authority, subject to a payment of a fee.
- 26.19 Section 228 sets a time limit of six weeks for the completion of all proceedings on a TUN. This includes considering whether to give a notice objection; hold a hearing, if it is necessary; and giving a counter-notice or notice dismissing the objections.
- 26.20 The person who gives a TUN may notify the authority that it is withdrawn at any time up to and during the time it has effect. In those circumstances the notice will have no effect, and any un-lapsed period of time will not count towards the 21-day maximum for a TUN having effect on the premises.

25.21 While the gambling is taking place, a copy of the TUN must be displayed prominently on the premises. It is an offence not to produce the notice endorsed by the authority when request to do so by a constable, an officer of HM Revenue and Customs, an enforcement officer, or an authorised local authority officer.

27. Occasional Use Notices (OUN)

27.1 Section 38 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an OUN without the need for a full premises licence.

27.2 While tracks are normally thought of as permanent racecourses, it should be noted that the meaning of 'track' in the Act covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place (section 353(1)).

27.3 This means that land which as a number of uses, one of which fulfils the definition of track, can qualify for the OUN provisions (for example agricultural land upon which a point-to – point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.

27.4 The intention behind OUN is to permit licensed betting operators (with appropriate permission from the Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The OUN dispenses with the need for a betting premises licence for the track in these circumstances.

27.5 OUN may not be relied upon for more than eight days in a calendar year. Note that the requirement relates to a calendar year (starting 1 January) and not to any period of 12 months. The Secretary of State has the power to increase or decrease the number of OUN that are permitted, but there are currently no plans to use this power.

27.6 This Licensing Authority keeps a record of the number of notices served in relation to each track.

27.7 A notice 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 notice be served on the Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.

27.8 Provided that the notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.

27.9 The Act does not require the applicant or the Licensing Authority to notify the Commission that an OUN has been given. However the Commission does require Licensing Authorities to submit returns showing how OUN may were received during each quarter.

27.10 It should be noted that betting operators cannot provide gaming machines at tracks by virtue of an OUN. Gaming machines may be made available by betting operators and this is reliant on a betting premises licence, which refers to a specific licensed area, but does not enable the operator to site gaming machines outside of that area.

Appendix 1 – List of Consultees

Public – website

Members of Council

Directors of Council

Responsible Authorities

Age UK, Tavis House, 1-6 Tavistock Square, London

Association of British Bookmakers, Norris House, 4 Norris Street, London

BACTA, Alders House, 133 Aldersgate Street, London

Berwin, Leighton Paisner, Adelaide House, London Bridge, London

Betfred, Spectrum Arena, 56-58 Benson Rd, Birchwood, Warrington WA3 7PQ

Bingo Association, Lexham House, 75 High Street North, Dunstable

British Beer & Pub Association, London

British Casino Association, 38 Grosvenor Gardens, London

British Greyhound Owners Association, Carshalton

British Holiday and Home Parks Assoc, Great Western Road, Gloucester

British Institute of Innkeeping, Wessex House, 80 Park Street, Camberley

British Transport Police, Citadel Station, Court Square, Carlisle

Business in Sport & Leisure, 17a Chartfield Avenue, Putney, London

CADAS, 17a West Tower Street, Carlisle

Carlisle City Council – All Members

Carlisle City Council - Chief Executive and all Directors

Carlisle City Council - Website

Carlisle College, Victoria Place, Carlisle

Carlisle Dioceses, Church House, West Walls, Carlisle

Carlisle & District Law Society, Burnetts Solicitors, Carlisle

Carlisle District Pub Watch Scheme, North Cumbria Area Police HQ, Durranshill, Carlisle
 Carlisle Housing Association – Residents Association, Botchergate, Carlisle
 Carlisle Licensed Victuallers, Fantails Restaurant, Wetheral, Carlisle
 Casino Operators Association, 3rd Floor, 22 Arlington St, London SW1A 1RD
 Chinese Association (Cumbria), Escott Works, Carlisle
 Citizens Advice Bureau, 5-6 Old Post Office Court, Devonshire Street, Carlisle
 Coral Racing Ltd, 19/21 Station Road, Harold Wood, Essex
 Cumberland Newspapers, Dalston Road, Carlisle
 Cumbria Association of Local Councils, Penrith Library, Penrith CA11 7YA
 Cumbria Chamber of Commerce, Enterprise Centre, Carlisle
 Cumbria Constabulary, North Cumbria Area Police HQ, Durranshill, Carlisle
 Cumbria Constabulary, Chief Constable, Carleton Hall, Penrith
 Cumbria Constabulary, Legal Services, Carleton Hall, Penrith
 Cumbria County Council - Legal Services
 Cumbria County Council - Neighbourhood Development Officer
 Cumbria County Council – Business Support, Performance Unit, 5 Portland Sq, Carlisle
 Cumbria Fire and Rescue Service, Headquarters, Cockermouth
 Cumbria Health & Safety Liaison Group, c/o Emma Brass, Eden District Council
 Cumbria Health & Wellbeing Board – Environmental Services, Civic Centre, Carlisle
 Cumbria Safeguarding Children Board, Children's Serv, New Oxford Street, Workington
 Cumbria Tourism, Staveley, Kendal
 Cumbria Volunteer Bureau, 27 Spencer Street, Carlisle
 Done Bros., Spectrum, 56-58 Benson Road, Warrington
 Eurobet UK, 10-24 Church Street West, Working, Surrey
 European Entertainment, The Park, Wiltshire
 Gala Coral Group, Newcastle House, Nottingham
 Gamcare, Crosby Row, London
 Gamestec Leisure Limited, Leeds
 Hammonds Solicitors, Rutland House, 148 Edmund Street, Birmingham
 Hartleys (Ulverston) Ltd, Ulverston, Cumbria
 Health & Safety Executive, 2 Victoria Place, Carlisle
 HM Revenue and Customs, Glasgow
 Ladbrokes PLC, Rayners Lane, Middlesex
 Leisure Link, Wetmore Road, Burton on Trent

Librarian, Brampton Library, 4 Front Street, Brampton
Librarian, Carlisle Library, 11 Globe Lane, Carlisle
Librarian, Longtown Library, Lochinvar Centre, Longtown
Librarian, Morton Public Library, Wigton Road, Carlisle
NHS Trust, Lonsdale Unit, Penrith Hospital, Bridge Lane, Penrith
NRU Betting & Gaming, Portcullis House, 21 India Street, Glasgow
NSPCC, 7 Chatsworth Square, Carlisle
Poppleston Allen, Licensing Solicitors, The Lace Market, Nottingham
Prize Coin Equipment, Central Avenue, Gretna
Racecourse Association Ltd, Winkfield Road, Ascot
Scottish & Newcastle Pub (Enterprises) Ltd, Newcastle
Thwaites Inns, Star Brewery, Blackburn
William Hill Ltd, Wood Green, London

Other Useful Addresses

British Beer and Pub Association

Market Towers
1 Nine Elms Lane
London
SW8 5NQ
Tel: 0207 627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com

British Institute of Innkeeping

Wessex House
80 Park Street
Camberley
Surrey GU15 3PT
Tel: 01276 684 449
Email: reception@bii.org
Web: www.bii.org

Disability Rights Commission Helpline

Freepost MID01264
Stratford Upon Avon
CV37 9BR
Tel: 08457 622 633
Web: www.drc-gb.org

Equity

Guild house
Upper Martins Lane
London
WC2H 9EG
Tel: 0207 379 6000
Email: info@equity.org.uk

Web: www.equity.org.uk

North Cumbria Magistrates Courts Service

Rickergate

Carlisle

CA3 8QH

Tel: 01228 51880

Gamcare

2nd Floor

7-11 St John's Hill

London SW11 1TR

Tel: 020 7378 5200

Helpline: 0845 6000 133

Email: info@gamcare.org.uk

Web: gamcare.org.uk

Gamblers Anonymous

PO Box 5382

London W1A 6SA

Local Meetings:

7.30pm Monday

Church of Scotland Chapel Street Carlisle CA1 1JA

www.gamblersanonymous.org.uk/question.htm

Money Advice Trust

Bridge House

181 Queen Victoria Street

London EC4V 4DZ

Web: www.moneyadvicetrust.org/home.html

Consumer Credit Counselling Service

Wade House

Merrion Centre

Leeds LS2 8NG

Web: www.cccs.co.uk

Appendix 3 - Categories of Gaming Machines

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£5	£10,000 or £20,000
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D	10p cash or 30p none cash	£5 Cash £8 Tokens

Appendix 4 - Delegation of Functions

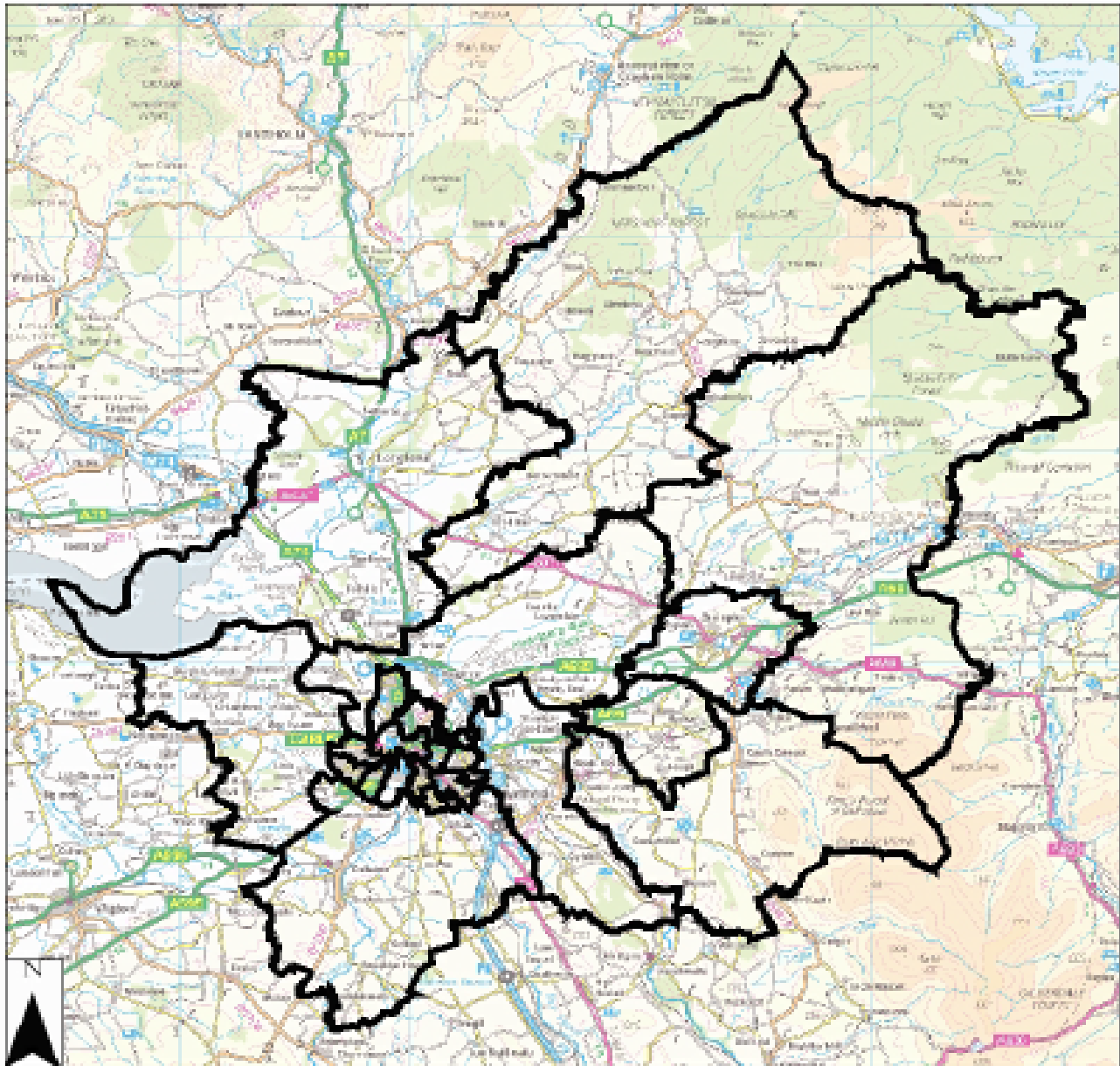
Matter to be dealt with	Full Council	Regulatory Committee or Sub-committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn

Cancellation of club gaming/club machine permits		X	
Applications for other permits		<u>X (for more than 4 machines)</u>	<u>X (up to 4 machines)</u>
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.

Appendix 5 - Map of the District

Carlisle City Council District and Ward Boundaries



District and Ward Boundary

This map is a reproduction of the Carlisle City Council's map of the district and ward boundaries. It is not a legal document and should not be used for legal purposes. The map is for information only and should not be used for legal purposes. The map is for information only and should not be used for legal purposes.

CARLISLE
CITY COUNCIL



www.carlisle.gov.uk

**Civic Centre
Rickergate
Carlisle
CA3 8QG**

GAMBLING POLICY WORKING GROUP

FRIDAY 25 SEPTEMBER 2015 AT 2.15PM

PRESENT: Councillors Shepherd and Mrs Warwick

Officers: C Liddle – Legal Services Manager
R Rooney – Democratic Services Officer

GPWG.05/15 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor Mrs Stevenson.

GPWG.06/15 DECLARATIONS OF INTEREST

There were no declarations of interest submitted.

GPWG.07/15 END OF CONSULTATION – DRAFT STATEMENT OF GAMBLING POLICY 2016-2019

The Legal Services Manager presented report GD.54/15 reminding the Group that the consultation period for the statement of Gambling Policy ended on 24 September 2015. Consultation had taken place with the trade, responsible authorities, Elected Members, individuals and was advertised in the local newspaper and City Council website.

The County Wide Working Group of Licensing Authorities met on 21 September to collate the responses to the consultation. The Gambling Commission had undertaken consultation which ended on 22 June 2015, some of the changes from the consultation had been included in the Gambling Policy but the Gambling Commission's guidance was not scheduled to be published until the end of 2015 or early 2016. The Guidance may dictate further amendments to the published statement. The Legal Services Manager drew Members attention to the responses received as detailed in the report along with the Council's response to the consultation.

The Legal Services Manager circulated an additional letter which had been received from Gosschalks Solicitors in response to the consultation. She addressed each of the issues raised in the letter and the Group agreed to the following:

Local Risk Assessments – error in Paragraph 9.4 – this would be corrected in the draft Policy

Premises Licences – amendment to Paragraph 11.3 – this would be included in the draft Policy

amendment to Paragraph 11.4 – this would be included in the draft Policy

error in Paragraph 11.7 – this would be corrected in the draft Policy

Location 11.14 – the City Council did not have such a policy but the draft Gambling Policy indicated what the authority would do should they introduce a policy. The paragraph would not be amended other than the removal of the last clause in the last sentence which was not required.

Paragraph 11.7 – the suggestion did not add anything to the Policy and would not be included.

Paragraph 11.21 Conditions – the suggestion did not add anything to the Policy and would not be included.

Paragraph 16 Betting Premises – the suggestion of listing the mandatory conditions be included in the draft Policy for clarity.

The Working Group considered the consultation responses and the amendments made to the Draft Statement of Gambling Policy and

RESOLVED – 1) That the draft Statement of Gambling Policy 2016-2019 include the amendments as set out in report GD.54/15 and as detailed above;

2) That the updated draft Statement of Gambling Policy 2016-2019 be referred to the Licensing Committee on 14 October 2015.

The meeting ended at 2.30pm