

# CARLISLE CITY COUNCIL

**Report to:-** The Chairman and Members of the Licensing Committee

**Date of Meeting:-** 18<sup>th</sup> October 2006

**Agenda Item No:-**

Public	Operational	Delegated Yes
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Accompanying Comments and Statements	Required	Included
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Environmental Services	No	No
Planning Services	No	No

**Title:-** **GAMBLING ACT 2005**  
**DRAFT STATEMENT OF GAMBLING POLICY**

**Report of:-** **LEGAL & DEMOCRATIC SERVICES**

**Report reference:-** **LDS. 81 /06**

## Summary:-

The Gambling Act 2005 received Royal Assent in April 2005. The main thrust of the legislation is 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 will be for each three year period, to consult and publish a statement of its Gambling Policy. The consultation period on the draft Gambling Policy ended on 22<sup>nd</sup> September 2006.

## Recommendation:-

Members to consider the responses to the consultation, prior to the draft version of the Policy being placed before Full Council in due course.

J A Messenger  
 Licensing Manager

Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers:- Gambling Act 2005, Guidance issued under the Act and responses to consultation

## To the Members of the Licensing Committee on 23<sup>rd</sup> October 2006

### **Background**

1. The Gambling Act 2005 received Royal Assent in April 2005.
2. One of the major requirements for local authorities following the publication of the Gambling Commission Guidance, is the formulation and consultation on its "Statement of Gambling Policy".
3. Section 349 of the Act reads:
  - (1) A licensing authority shall before each successive period of three years -
    - a) prepare a statement of the principles that they propose to apply in exercising their functions under this Act during that period, and
    - b) publish the statement
  - (2) A licensing authority shall -
    - a) review their statement under this section from time to time,
    - b) if they think it necessary in the light of a review, revise the statement, and
    - c) publish any revision before giving it effect
  - (3) In preparing a statement or revision under this section a licensing authority shall consult -
    - a) the chief officer of police for the licensing authority's area
    - b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
    - c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act

### **Consultation**

4. The consultation period on the draft 'Statement of Gambling Policy' ended on 22<sup>nd</sup> September 2006.
5. Consultation took place with the list of organisations included in Appendix 1 of the draft policy. Those with a direct interest e.g. Council Members, members of the trade, Cumbria Constabulary etc. were sent a copy of the draft policy. Approximately 400 others with an interest e.g. Parish Councils, premises licence holders etc. were sent a letter informing them of the new legislation and directing them to where a copy of the draft policy may be obtained or viewed.
6. A press release was prepared and sent to Cumbrian Newspapers to coincide with the publication date of the draft and also midway through the process.

## Responses to Consultation

7. This Council has received a total of 10 comments, with a further two relevant comments received by another county authority. These vary from a single comment to an in depth assessment of the policy (Appendix A1-A12). A schedule of these comments has been prepared and is included (Appendix B). This schedule lists the respondent, a précis of their comments, the Licensing Manager's appraisal and his recommendations. Where a policy change is recommended this is outlined in the final column. For ease of comparison, the schedule refers to the same reference number as the representation.
8. It is intended that a number of additional appendices be attached to the policy. These would include Guides of Best Practice and useful addresses (e.g. Gambling helplines, counselling contacts details etc.)
9. The Gambling Policy Working Group has sat on three occasions to consider the draft policy and the comments received. The attached version of the draft policy and schedule reflects the results of their deliberation.
10. A copy of the latest draft of the Gambling Policy is attached to this report for your information (Appendix C).
11. The draft has also been included on the agenda for the following committees:
  - 18<sup>th</sup> October 2006 Community Overview and Scrutiny
  - 23<sup>rd</sup> October 2006 Executive

## Timescales update

12. Time scales in relation to the publication of the policy are as follows:

- |                       |   |
|-----------------------|---|
| • April 2005 -        | Gambling Act received Royal Assent  |
| • 1 May 2006 -        | Guidance to Local Authorities published   |
| • May/June -          | Authority develops Draft Policy Statement   |
| • 3 July – 22 Sept -  | Consultation held on Draft Policy Statement   |
| • 25 September -      | Draft to Executive  |
| • Sept/October -      | Re-draft Policy Statement following consultation  |
| • 18 October -        | Community Overview & Scrutiny   |
| • 18 October -        | Special Licensing Committee   |
| • 23 October -        | Final draft to Executive  |
| • 7 November -        | Full Council to approve Policy Statement  |
| • By 3 January 2007 - | Publish Policy Statement  |
| • 30 April -          | First Appointed Day. Transition commences and Licensing Authority starts receiving applications for gambling licences |
| • 1 September -       | Second Appointed Day. Full implementation of Gambling Act 2005  |

## **Recommendation**

Consider the responses to the consultation, prior to the draft version of the Policy being placed before the Executive and thereafter Full Council in due course.

Prepared by J A Messenger



President  
Lord McIntosh  
  
Vice President  
Bill Galston OBE  
Sir Nevil Macready BT OBE

Chairman  
Anthony Jennings

Chief Executive  
Geoffrey Godbold OBE TD DL

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Sir Geoffrey De Deney  
Lord Richard Faulkner  
Susanna Fitzgerald QC  
Lady Carolyn Trethowan  
Ian McRobbie - Treasurer

(A1)



**GAMCARE**

**National Association for Gambling Care  
Educational Resources and Training**

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e-mail: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)  
[www.gamcare.org.uk](http://www.gamcare.org.uk)

Helpline: 0845 6000 133

26<sup>th</sup> July 2006

LEGAL & DEMOCRATIC SERVICES	
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27 JUL 2006

Dear Sir or Madam

Thank you for your Draft on the Gambling Principles from your Authority. As you will understand we received one from all the authorities in the process of putting together their Principles and future Policy.

I found various differences in all, however not too many discrepancies for concern. I have however put together a separate list of inclusions, which from GamCare's viewpoint we would like included either in the policy or as part of the Licensing conditions.

I have had to read quite a few drafts, as already explained so please forgive me if I repeat anything already included.

All local authorities must now recognise that they should have a "Duty of Care" and become "Corporate Parents" assisting the residents of their authority with gambling addictions. Gambling is a much hidden form of addiction with little recognition.

Many authorities have now set up programs for Drug and Alcohol addictions, GamCare feel there is a great benefit of a program of problem gambling and possibly Debt Management counselling, to run in conjunction.

GamCare, I must emphasise, is a Gambling Neutral charity; we also recognise gaming is a very entertaining form of relaxation.

I would be grateful for the opportunity visit to your authority, and meet with all interested parties explaining in more detail how we may be of assistance to you, and the way we look for support and raise awareness about problem gambling.

Yours sincerely

Alan Faulkner  
GamCare Partners Manager

- 1 The sale and distribution of Controlled drugs and the laundering of the proceeds of drugs to support gambling.
- 2 Prostitution to feed gambling needs
- 3 Any unlawful gaming gambling and betting
- 4 All leaflets giving assistance to problem gambling clearly displayed in prominent areas such as toilets for example where they will be more discreet. This will give certain anonymity.
- 5 Self exclusion forms available.
- 6 Operator must have a regard to best practice issued by organisations that represent the interests of vulnerable people.
- 7 On machines such as FOBT, the odds clearly displayed.
- 8 All A.T.M or cash terminals to be separate from gaming machines, so that clients will have to leave the machine for more funds if so required. They should also display stickers with GamCare Helpline information positioned prominently on machine.
- 9 Social responsibility must be adhered to and mentioned at all times when reasonable.
- 10 It has been mentioned in the Principles however it is so important clear visible signs of age restriction are clearly displayed in gaming or betting establishments, also entrances to gambling and betting areas are well supervised and age identification verified.
- 11 Posters displayed suggesting " stay in control of your gambling" with details of GamCare telephone number and website.

12. Compulsory non-gambling areas or "Chill out Rooms" in all Casinos [ this is only relevant if you are having a casino in your authority] .

Please ensure that fruit machines are not situated in Mini Cab offices or Takeaways or other unlicensed premises where children may have access to.

THANK YOU FOR YOUR ASSISTANCE.

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LEGAL & DEMOCRATIC SERVICES	
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Hammonds

J A Messenger Esq.  
Licensing Manager  
Carlisle City Council  
Legal and Democratic Services  
Civic Centre  
Carlisle  
CA3 8QG

Our ref KMC/CAR

Your ref Licensing/JAM

Date 25 July 2006

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27 JUL 2006

Dear Mr Messenger

**Gambling Act 2005 – Consultation on Gambling Policy**

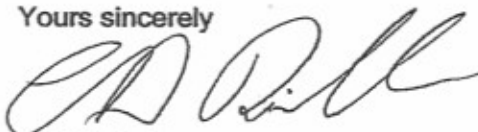
I refer to your recent letter and the draft statement of licensing policy contained therein which has been passed to me in my capacity as head of the Gambling group at Hammonds. Although I do not have specific comments to make in respect of your draft policy, I am grateful to you for providing it to us for our records. Perhaps you could also forward a copy of the finalised policy so that we can keep a record of it.

It has been interesting to see the diversity of approaches adopted by different local authorities.

It may be of interest to know that I am the editor of Sweet & Maxwell's Current Law Statutes Guide to the Gambling Act 2005, and clearly this area is one which interests me a great deal. If the authority has any questions with regard to the implementation of the Licensing policy, or the implementation of the Act more generally, please do not hesitate to get in touch. My direct line is 0870 839 1662 and email is [carl.rohsler@hammonds.com](mailto:carl.rohsler@hammonds.com).

Kind regards

Yours sincerely

  
Carl Rohsler

Hammonds  
7 Devonshire Square Cutlers Gardens London EC2M 4YH DX 136546 Bishopsgate 2  
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Offices and Associated Offices Aosta Berlin Birmingham Brussels Hong Kong Leeds London Madrid Manchester Milan Munich Paris Rome Turin

Website [www.hammonds.com](http://www.hammonds.com)

A list of the names of the partners and their professional qualifications is open to inspection at our offices. The partners are either solicitors or registered foreign lawyers. This firm is regulated by the Law Society.

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8 AUG 2006

BRITISH  
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Mr J Messenger  
Licensing Manager  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

17 August 2006

Dear Jim

**GAMBLING ACT 2005 – DRAFT STATEMENT OF LICENSING POLICY**

I hope this finds you and yours well! Thank you for providing this Association with the opportunity to comment on your draft policy.

The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 60,000 pubs in the UK. Many of our members own and run pubs in the Carlisle area. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies. Further information is available on our website at [www.beerandpub.com](http://www.beerandpub.com).

This response is also supported by BII, the professional body for the licensed retail sector, the Association of Licensed Multiple Retailers (ALMR), which represents the interests of smaller independent companies within licensed retailing and the Federation of Licensed Victuallers Association (FLVA) which represents self-employed licensees in England.

**The protection of children and vulnerable persons**

We would like to take this opportunity to emphasise that pubs have had amusement with prize machines on their premises for many years. The BBPA has been pressing for legislation prohibiting under 18s from playing all cash machines (ACMs) since before the introduction of our Code of

Practice on Minimum Age of Players, and we therefore very much welcome the restriction now contained in the new Gambling Act. The Association first introduced its Code of Practice in 1998, and has kept it under regular review since then. As a result of the Code, which is supported by other trade bodies including the ALMR, BII, FLVA and BACTA, ACMs coming on to the market include the "No Under 18s to Play" prohibition notice in the front of the machine. The inclusion of this notice has been achieved at the instigation of the Association in co-operation with machine suppliers.

BBPA member company training schemes also reinforce the management of the machines to ensure the minimum age requirement is complied with, for example by requesting recognised ID such as a PASS accredited proof of age card, driving licence or passport where there is doubt that the player is 18 years of age or over.

### **Grant of additional permits**

2 While there is no actual requirement under the Gambling Act 2005 for machines to be sited in the bar, we believe that supervision of machines is very important and this is again reinforced by our Code of Practice and staff training. Under the new regime, when operators apply for additional machine permits and they are complying with the Gambling Commission Code of Practice (which will of course replace the BBPA Code), there is no reason why these should not be granted. It would be helpful if the Statement of Principles could reflect this.

### **Application procedures for more than two machines**

3 The Association would welcome the inclusion in the policy of an outline of the application procedures for permits for more than two machines. We understand that some councils are taking the view that they will grant up to four machine permits without the need for a hearing. We support such an approach in the interests of reduced administration and bureaucracy for both Councils and applicants and would encourage you to consider this possibility.

Both the BBPA and LACORS have been concerned about the lack of a generic application form for permits. We understand that LACORS are now working on a standard application form for permits which could be used by Councils and applicants. It is obviously in the interests of businesses and local authorities to have such a form. We fully support this approach and hope you will adopt the LACORS form once it is produced.

### **Transitional arrangements**

4 As the implementation date of 1<sup>st</sup> September 2007 approaches, it is likely that the Council will receive increasing numbers of enquiries from alcohol licensed premises wanting to find out what will happen to their existing machine permissions. It would therefore be helpful if some reference to transitional arrangements could be included either in the policy or in the form of separate guidance. We appreciate that these arrangements will not be absolutely clear until the regulations have been finalised, but it is our understanding (based on the DCMS Transitional Arrangements consultation) that pubs will be automatically entitled to provide the same number of machines as they are currently permitted to provide. This provision is not subject to approval by the licensing authority and their existing permissions should be automatically transferred to the new legislative framework.

After this, if it becomes evident that there is a problem with the premises, the licensing authority has the power to remove the permission or to reduce the number of machines permitted, as stated in the draft policy.

We trust that these comments are helpful and that they will be taken into account in the final version of the policy. The BBPA is committed to ensuring a smooth transition to the operation of the new gambling regime and looks forward to working with you to achieve that objective.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Lee Le Clercq', with a stylized flourish at the end.

Lee Le Clercq



A4

To: All local authorities

From: Gamblers Anonymous PO Box 5382 London W1A 6SA

[www.gamblersanonymous.org.uk](http://www.gamblersanonymous.org.uk)

[pro@gamblersanonymous.org.uk](mailto:pro@gamblersanonymous.org.uk)

Direct no of Press Officer Steven 07930 557 887

Subject: Gambling Act 2005 - Statement of Principles

Date: July 2006

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As part of your requirement to produce a Statement of Principles, Gamblers Anonymous wishes to contribute as follows:

Gamblers Anonymous is a unique self-help multi-ethnic fellowship of men and women who have a desire to stop gambling.

This desire will have followed from a period of gambling as a result of which the gambler realises that he or she is gambling out of control.

Gamblers Anonymous does not offer counselling or employ any professionals. Gamblers seeking help are invited to attend regular meetings where they meet and can identify with other compulsive gamblers. The "Recovery Programme" used is similar to 12 step programmes used successfully by other self-help fellowships.

Fundamental to the fellowship are a number of key principles:

- All expenses are met entirely from the contributions of its members, declining all outside help.
- GA has no views on the existence of gambling facilities and never comments.
- All members are anonymous. No names or faces on TV or in the media.
- GA policy is to attract members but not to promote them self.
- There are no affiliations with any enterprises including agencies devoted to helping recovery from compulsive gambling no matter how good their intentions.
- GA never endorses any agencies or products and actively discourages such agencies from suggesting any approval by GA.

By adhering to these principles GA never gets diverted from its primary purpose - to help compulsive gamblers who wish to help themselves.

The rule of strict anonymity means that records of attendance contain only first names or pseudonyms. Meetings are usually weekly and the list is available to the public on GA's public website. However, the publication of local meeting places is not encouraged so that the anonymity of those in the group or considering joining is protected.

Most direct contact is via the telephone support lines or from information obtained from the website.

It is important for suffering compulsive gamblers that they are made aware of the existence of GA so that they can take action if they feel they need to.  
ends)



Mr J A Messenger  
Licensing Manager  
Legal & Democratic Services  
Carlisle City Council  
Civic Centre  
CARLISLE  
CA3 8QG

03 July 2006

Dear Sirs

## Draft Gambling Policy

On behalf of the Association of British Bookmakers we are pleased to have an opportunity to respond to your draft Gambling Act licensing policy.

### The Association of British Bookmakers

Off-course bookmakers were first recognised in legislation by the Betting and Gaming Act of 1960. The industry now consists of approximately 8,500 betting offices in Great Britain, which makes them by far the most numerous type of dedicated gambling facility; the average authority having about 20 betting offices within its area. The Association of British Bookmakers is the representative association for businesses holding nearly 7,000 betting office licences, and will be responding to consultations on all the licensing policies in Great Britain.

Before the advent of the Gambling Act 2005, there was no national regulator for bookmakers. However, the industry has been extremely successful at policing itself. Bookmakers have given rise to no or few regulatory concerns. For example, there are few if any prosecutions of bookmakers or revocations of betting office licences, no suggestion of underage betting in betting offices and no suggestion that betting offices cause nuisance to surrounding users. Crime and disorder is extremely rare in betting offices, and there is no evidence that bookmakers have operated their business in such a way as to exploit the vulnerable. Of course, alcohol is not sold in betting offices. Betting offices have been good neighbours to both residential and commercial occupiers. A primary objective of the ABB has been to help create betting environments in which the public enjoys fair and responsible gambling. It has to a large extent been assisted by the demographics of the industry, in which there are some very large participants, e.g. Ladbrokes, William Hill, Coral, the Tote and Dones (Betfred). These operators set a high standard, in terms of offices and customer service, which new entrants have naturally striven to match.

The ABB welcomes the new legislation, and the opportunity to work with licensing authorities, so as to consolidate and continue the enormous advances made by the industry, in a way which benefits customers while avoiding regulatory concerns. The ABB hopes and expects that a light touch approach will be taken to the imposition of conditions and regulatory burdens on the industry, save in so far as this is necessary and proportionate in individual cases.

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Fax: 023 8033 7902

E-Mail: jane.walker@trethowans.com

Our Ref: NJW01/127660/ABB

Your Ref:

LEGAL & DEMOCRATIC SERVICES	
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We would take the opportunity to comment on some specific aspects of your policy. You will see that in certain areas we have been sufficiently bold as to suggest wording for the policy. The reason for this is that the ABB's members are keen, so far as possible, to achieve consistency between licensing policies, for the benefit of all involved in the system.

### Door supervision

Because of the success of the betting industry in managing its offices, and because of the general nature of betting clientele, door supervisors are not employed in betting offices. Premises are supervised from the counter. Door supervision has not been operationally required, and neither the licensing justices nor the police have suggested that door supervision is necessary.

We would refer to the Gambling Commission's Guidance at paragraph 9.26. This requires that conditions should only be imposed when they:

- are relevant to the need to make the proposed building suitable as a gambling facility;
- are directly related to the premises and the type of licence applied for;
- are fairly and reasonably related to the scale and type of premises; and
- are reasonable in all other respects.

We would specifically ask that the policy reflect this by stating:

1. "... there is no evidence that the operation of <sup>gambling premises</sup> betting offices has required door supervisors for the protection of the public. The authority will make a door supervision requirement only if there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate."

### Betting machines

Reference to betting machines is made in section 181 of the Gambling Act 2005. These are machines on the shop floor of the betting office through which a customer can place a bet without having to visit the counter. They should not be confused with fixed odds betting terminals (which will be Category B2 gaming machines under the legislation) or amusement with prize machines ('fruit machines').<sup>1</sup> While up to four FOBTs / AWP's will be found in the great majority of betting offices in the country, the number of betting machines is vanishingly small. And there is no evidence at all that, where they do exist, they are causing any harm. They are machines on which one may place a bet in an adult only environment, not machines upon which rapid gambling may occur. For these reasons, while the section 181 discretion is acknowledged, it is respectfully suggested that the policy state that:

2. "While the authority has discretion as to the number, nature and circumstances of use of betting machines, there is no evidence that such machines give rise to regulatory concerns. This authority will consider limiting the number of machines only where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, when reviewing the licence, the ability of staff to monitor the use of such machines from the counter."

### Re-site applications

Over the last two decades in particular, betting offices have been subject to an evolutionary process of enlargement and improvement to accommodate the more extensive facilities and technology now demanded by their customers, for example more and larger screens, full toilet

<sup>1</sup> While FOBTs/AWP's clearly accept bets for the purpose of playing directly on these machines, for instance inserting a £20 note into a FOBT to play roulette, the customer cannot use these machines to bet on other events available in the betting shop e.g. horse/dog races and football matches.

facilities for male, female and disabled customers, level entrances, comfortable seating, no smoking areas, machines, information terminals and so on. Frequently, this has involved resiting within the same locality. Under the former regime, such re-sites were positively welcomed by licensing authorities concerned to improve the general level of facilities in their area, and were rarely objected to by competitors. This was recognised in the leading case of *R (Hestview) v Snaresbrook Crown Court* in which Hooper J. stated (para 65):

Likewise, if an application is, in effect, an application for the transfer of a licence from one premises to another close by, with some increase in the size of the customer area, then an authority might well conclude that the grant would not be inexpedient..."

3 It is hoped that licensing authorities will wish to endorse and support this natural progress and improvement in the industry. It is requested that the policy positively encourage, or at least state that the authority will give sympathetic consideration to, re-sites within the same locality and extensions in order to enhance the quality of the facility provided for the benefit of the betting public.

#### Enforcement

It is requested that the policy includes wording along the following lines:

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

#### Other Comments

5 In relation to para 9.7 on page 16 we would be grateful if it could be noted that many betting offices are located near schools or in residential areas but under 18's are not permitted on the premises. Equally in relation to vulnerable persons most bookmakers operate extremely effective self exclusion policies. We would therefore suggest that location should not be a factor when considering a betting office application.

#### Consultation of ABB

6 Finally, we would respectfully ask that your authority notify the ABB of any further consultations to be conducted by you, and that you favour the ABB with a hard and electronic copy of your final policy. This will enable the ABB to establish a bank of policies for the benefit of its members, alert its members to any developments and enable greater liaison and consistency to occur. The relevant contact details are:

Angela Ruggeri ABB Regency House 1-4 Warwick Street London W1B 5LT  angelaruggeri@abb.uk.com
--

Please do not hesitate to contact us should you wish to discuss any of the contents of this letter.

Yours faithfully



AG

**Money  
Advice  
Trust**



## **MONEY ADVICE TRUST/NATIONAL DEBTLINE STANDARD RESPONSE TO LOCAL AUTHORITY CONSULTATIONS ON THEIR DRAFT GAMBLING POLICIES**

### **Introduction**

The Money Advice Trust (MAT) and National Debtline (NDL) have been added to the consultee lists of a substantial number of local authorities that are soliciting comments on their draft gambling policies. MAT-NDL is grateful for the opportunity to comment on these policies, and wherever possible will endeavour to continue to respond to policies individually.

However, we have relatively limited capacity to respond to policy documents and are obliged to make the most economical use of our time. As such, we have drafted a standard response, incorporating the two key issues that we feel should be addressed in all local authority gambling policies, namely:

- The need to use a definition of "vulnerable persons" that incorporates more detail than the Gambling Commission's generic 'working category'
- The importance of providing information that will signpost gamblers to sources of support on problem gambling issues and their effects, and to debt advice in particular

Please refer to the following page for more information.

### **About MAT**

MAT is a charity formed in 1991 to increase the quality and availability of money advice in the UK. We work in partnership with government, the private sector and the UK's leading money advice agencies to increase the availability of money advice, improve its quality, and improve the efficiency and effectiveness of its delivery.

There are four key aspects to MAT's work:

- Advice provision via National Debtline and Business Debtline
- Ensuring high quality money advice through training and support for advisers
- Fundraising
- A catalyst for improving efficiency and effectiveness within the debt advice sector via research and policy work

### **About NDL**

National Debtline (NDL) is a holistic helpline offering free, expert, professional advice via the telephone and email, enabling clients to deal with their debts in an informed and proactive way.



## Focus

Our primary concern is to increase awareness of and facilitate access to independent debt advice to individuals either at risk of or experiencing financial distress as a result of gambling, with particular reference to the most vulnerable.

## Definition of "vulnerable persons"

Despite the fact that there is not a universally agreed or binding definition of the term "vulnerability", we are concerned that the proxy 'working category' devised by the Gambling Commission and incorporated into most if not all draft gambling policies uses criteria that may in practice be difficult for a provider of gambling services to assess, namely "people who gamble more than they want to" and "people who gamble beyond their means".

Also, we regard the term "mental impairment" to be unnecessarily restrictive, given that it has a very specific definition as supplied by the Mental Health Act, namely "a state of arrested or incomplete development of mind (not amounting to severe mental impairment) which includes significant impairment of intelligence and social functioning and is associated with abnormally aggressive or seriously irresponsible conduct on the part of the person concerned".

We propose the following paragraph as a practical definition of the term 'vulnerable persons', which could be incorporated into the statement of general principles of local authority gambling policies:

*For the purposes of this policy, "vulnerable persons" would be defined as individuals who, from a common sense perspective, a provider of gambling services would be expected to assess as unlikely to be able to make informed or balanced decisions about gambling, due to a learning disability, mental health problem or the effects of alcohol or drugs".*

## Promoting access to debt advice and other forms of support

2. We suggest that in the interests of encouraging the use of appropriate support resources by vulnerable people, all draft policies should, as a minimum, add a clause requiring suppliers of gambling services to provide relevant information materials. A suggested form of words for such a clause is provided below:

### **Information, advice and counselling on debt and other gambling issues**

*"Licence holders would be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt, eg GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, and local Citizens Advice Bureaux and independent advice agencies."*

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Legal and Democratic Services  
Civic Centre  
Carlisle  
CA3 8QG

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13<sup>th</sup> September 2006

Dear Mr Messenger

Thank you for sending a copy of the Draft Statement of Gambling Policy. The Residents Association met last week to discuss matters of concern and the Draft Statement of Gambling Policy was also raised. We felt that the Gambling Policy draft statement was an effort to comply with the Government's new laws on gambling and had tried to balance compliance of the legislation with recognition of the potential for detrimental effects.

As residents of an area, which could become the subject of plans to develop a Casino, our concerns are rather more grounded in the likely practical impact of yet another late night activity. We felt that a Casino in Carlisle would not increase the early evening activity as required by Carlisle nor would it encourage tourism. Gambling casino's invariably encourage customers in by selling cheap alcohol and it is very much in the Casino's interest to have customers confused by the consumption of alcohol. Drunkenness does have an impact on the residential areas in terms of noise and nuisance. It is a drain on Police resources and hospital resources and it is very questionable as to whether an industry dependant on alcohol consumption whilst inviting customers to part with their money does in fact in any way benefit our local economy.

Clearly as residents we are not supportive of the Governments plans to increase venues for gambling activities. We are dependant on the firm commitment of the Licensing Authority to regulate and control the impact of the gambling laws on the residents of the area. We would therefore be very obliged if you would continue to keep us informed of further developments.

Yours sincerely



Margaret Van Tilburg  
Cavendish and Chiswick Residents Association  
15 Chiswick Street  
Carlisle CA1 1HQ



Your reference: Licensing/JAM  
Our reference: EB/HSLG  
Enquiries to: Mrs Brass  
Direct Dial: (01768) 212366  
Date: 25 September 2006

Mansion House Penrith Cumbria CA11 7YG  
Telephone: (01768) 817817  
Facsimile: (01768) 890732  
Internet: www.eden.gov.uk  
Email: env.health@eden.gov.uk

Mr J A Messenger  
Licensing Manager  
Carlisle City Council  
Civic Centre  
Carlisle

LEGAL & DEMOCRATIC SERVICES	
FILE	
27 SEP 2006	
PASSED TO	
ANSWERED	
MAIL LOG	

Dear Mr Messenger

**Gambling Act 2005 - Draft Statement of Gambling Policy  
Cumbria Health and Safety Group Consultation**

Thank you for sending a copy of the 'Draft Statement of Gambling Policy' which has been prepared by the six Local Authorities in Cumbria. The item was discussed at the last meeting of the Cumbria Health and Safety Liaison group on 15 August 2006.

I have been asked to reply on behalf of the group. The group have no comments to make with regard to the draft statement. However, the following matters were raised and I have included them for your information.

As you are aware, the health and safety section of Environmental Services is not a formal consultee in relation to the Gambling Act 2005. However, they will be the enforcing authority for health and safety for many of the premises who need/apply for a Licence under the Gambling Act.

I understand that a protocol was written as part of the licensing regime which commenced in 2005. This protocol included the liaison/ communication between relevant parties when appropriate e.g. if taking formal enforcement action. Environmental Services staff who enforce the Health and Safety at Work etc Act 1974 and associated legislation will continue to have regard to this protocol.

Should you wish to discuss any of the above matters please do not hesitate to contact Mrs Brass, telephone 01768 212366.

Yours sincerely

Emma Brass.

Emma Brass

Secretary of Cumbria Health and Safety Liaison Group

S Huddart BSc CEng FICE MIMgt  
Director of Technical Services



5<sup>th</sup> October 2006

Dear Jim

Thank you for our conversation today, and thank you for the trouble you have taken in consulting me, and through me the Churches of Carlisle.

The points I raised were:

- a) how would informal raffles and drawings by small community groups be affected? You explained that if the selling of the tickets and the drawing were all in the same event, these were exempted. The new legislation and policy on other small lotteries would not change anything – those that run drawings with tickets sold separately will still need to get Lottery permits, and most groups probably already have them.
- b) what about Race Nights? You explained that – on licensed premises – these were already illegal! Again there would be no change.
- c) I liked 5.3 which stated that cases would be decided individually on their merits
- d) I liked 7.4 which stated that your approach would be risk based – this seemed to me to be an appropriate response in situations involving small community organisations, and also an appropriate use of council resources.
- e) I expressed concern about vulnerable persons (10.1). I mentioned that in these Churches would want to include those in debt and those addicted to gambling. You explained that the new legislation effectively allowed a greater role for voluntary organisations assisting such people – eg GamCon – and I expressed the hope that responsible authorities would support such voluntary organisations – perhaps even financially – though realising that there are many calls on local government finance! You also pointed out that if concerns were expressed by anyone – so for example by a neighbour – about such vulnerable persons using premises licensed for gambling, the license could be reviewed.
- f) I expressed a similar though less strong concern about truanting schoolchildren, and you pointed out that, again, if concerns were expressed the license could be reviewed.
- g) I mentioned the exemption of Travelling Fairs, saying that that seemed entirely appropriate

*The Revd Canon Dr Richard Pratt*  
*St Cuthbert's Vicarage, West Walls, Carlisle Cumbria CA3 8UF*  
 00 44 1228 521982      [pratt@fish.co.uk](mailto:pratt@fish.co.uk)





h) I questioned the automatic right of Licensed Premises to install two or more gaming machines; your response was that this is pretty much the situation already – but that the new legislation did mean that gaming machines would not be allowed in eg take aways and taxi-cab premises where children might have greater access

Again, thank you for all your work

cordially

*Richard Pratt.*

Richard Pratt

*The Revd Canon Dr Richard Pratt  
St Cuthbert's Vicarage, West Walls, Carlisle Cumbria CA3 8UF  
00 44 1228 521982      pratt@fish.co.uk*

# CUMBRIA CONSTABULARY

323  
A10

Telephone: 01228 558200  
Fax: 01228 558209

Please ask for:

My Reference: JR/YLS  
Your Reference:

North Cumbria Area  
Chief Superintendent  
A Davidson  
Carlisle Police Station  
Citadel Chambers  
English Street  
Carlisle  
Cumbria  
CA3 8SG

RECEIVED

22 SEP 2006

Licensing Manager  
Legal & Democratic Services  
Civic Centre  
CARLISLE  
Cumbria  
CA3 8QG

LEGAL & DEMOCRATIC SERVICES	
FILE	
22 SEP 2006 <i>helen</i>	
PASSED TO	
ANSWERED	
MAIL LOG	<input checked="" type="checkbox"/>

19<sup>th</sup> September 2006

Dear Sirs

## Re: Gambling Act 2005 – Draft Statement of Gambling Policy

With regards to the draft statement of the gambling policy of Carlisle City Council, North Cumbria Police have no points to submit in relation to this and are happy to accept it in its current format.

Yours faithfully

*Jon Rush*

Jon Rush  
Superintendent

11

## CHURCHES TOGETHER in AMBLESIDE DISTRICT

Chairman:

Professor Leo Pyle  
2 Lower Ashley Green  
Clappersgate  
Ambleside LA22 9NE

Secretary:

Jane Cambridge  
3 Loughrigg Park  
Ambleside  
LA22 0DY

19<sup>th</sup> September 2006.

Mr Steve Wearing  
Licensing Manager  
South Lakeland District Council  
Lowther Street  
Kendal, LA9 4UQ.

*Amend*  
*Set letter please*  
*and leave for SW.*  
*JJC*

Dear Mr Wearing

**Your News Release 29. June 2006 – Gambling Licensing changes**

At a meeting of the Churches Together in Ambleside District working group on 19<sup>th</sup> September, your Statement of Licensing Policy was discussed.

The general opinion of the meeting was that the 3<sup>rd</sup> point of the three statutory gambling objectives - "protecting children and other vulnerable persons from being harmed or exploited by gambling" would be impossible to fulfil because of the very nature of gambling. It is not only the gambler but his or her family and circle that is affected and how can you protect them from the implications of the habit? Financial hardship can result and sometimes addictive behaviour and when this happens the outcome can be tragic for all concerned. The level of debt in Britain is already alarmingly high and gambling must contribute to this.

In short, we did not feel that any level of gambling was acceptable, largely because of the risk it poses to the family – especially children, who can so easily be drawn into a habit that can start with a frisson of excitement but whose long-term consequences can be so serious.

Yours sincerely,

*Jane Cambridge*  
Jane Cambridge  
Secretary

A12

Mr S Wearing  
Licensing Manager  
Licensing Group  
Central Services Directorate  
South Lakeland District Council  
South Lakeland House  
Lowther Street  
KENDAL  
Cumbria  
LA9 4UQ

Date: 20 September 2006  
Op ref: NA/FR/P24265-577  
Doc Ref: 2143036008  
E-mail: n.aron@popall.co.uk  
Direct line: 0115 953 8510

*Amended  
Set please &  
leave for SW to take  
to County  
Dist.  
21/9.*

Dear Sirs

**Response to draft Gambling Act 2005 Statement of Principles**

We act on behalf of Bourne Leisure Limited, the operators of the Lakeland Leisure Park, Grange-over-Sands. We have been instructed to respond to your draft Gambling Act 2005 Statement of Principles. We apologise for the lateness of this response and hope that it does not cause any inconvenience.

1. We note that you have based your policy on the LACORS template and generally we found your policy to be a balanced statement.

2. In Part B, Premises Licence, Section 9.8, Duplication with Other Regulatory Regimes, you state that you will listen and consider carefully any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise. Under Section 210 of the Gambling Act 2005, the Licensing Authority cannot consider planning permission in any way relation to an application under the Gambling Act 2005. Your policy is inconsistent with the Act.

3. At Section 20.3 on Alcohol Licensed Premises Gaming Machine Permits, you state that it is recognised that some alcohol premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with, as an Adult Gaming Centre Premises Licence. Each application should be considered on its

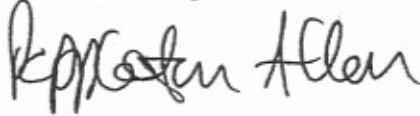
Partners · Jeremy Allen · James Anderson · Graeme Cushion · Susanna Poppleston · Lisa Sharkey · Jonathan Smith

37 Stoney Street, The Lace Market, Nottingham NG1 1LS  
Telephone: 0115 953 8500 Fax: 0115 953 8501 DX 10100 Nottingham  
www.popall.co.uk

merits. It may not be the case that every application for permits where a premises have the benefit of alcohol Premises Licences made in relation to non-alcohol licensed areas would be for adult gaming centres. There is nothing in the legislation of the Gambling Act 2005 to justify your comment and it is not consistent with the Act.

Any responses or queries in relation to this letter should be directed to Nick Arron at this office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Poppleston Allen', written in a cursive style.

**Poppleston Allen**

## Schedule of Responses to Gambling Act 2005 - draft Statement of Gambling Policy

Reference	Respondent	Comments	Appraisal	Recommendation
1	Gamcare	1. Sale of drugs and money laundering 2. Prostitution 3. Unlawful gambling & betting 4. Availability of leaflets 5. Self exclusion forms 6. Best practice issued by organisations representing vulnerable people 7. Odds clearly displayed 8. ATM machines separate from gaming machines 9. Social responsibility to be adhered to 10. Clear signs of age restrictions 11. Posters publicising Gamcare 12. Non gambling areas in casinos	1-3. Prevention of crime is already an objective under the Act and in exercising their functions licensing authorities must have regard to these objectives. 4 & 5. See Policy 10.2, 11.2 & 15.6 6. Appendix suggested in report recommendations. 7. Odds are displayed. 8. See Policy, 10.2 & 11.2 & 15.6 which gives suggestions regarding measures to meet licensing objectives. In addition Gambling Commission Guidance at 9.11 states that further guidance will be provided. 9. See Policy 9.15 – could be added to this section. 10. See Policy 9.17 – age notices to be displayed	1-3. No change 4-5. No change, but delete "licence conditions" 6. Add new appendix 7. No change – Gambling Commission responsibility 8. Further guidance to come from Gambling Commission 9. Possibly include at Policy 9.15 10. No change 11. No change 12. Not applicable

APP 'B'

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Carlisle City Council

			11. See Policy 10.2, 11.2 & 15.6 12. Not applicable	
2	Hammonds, Solicitors	Ack. receipt of draft policy	Noted	No change
3	British Beer & Pub Association	1. No under 18's to play 2. Supervision of machines 3. Procedure for permits for more than 2 machines 4. Transitional arrangements	1. Noted. See Policy 9.17, 10.2, 11.2 2. No requirement but could be considered as a condition following a review – Policy 9.21 refers. 3. Approval for up to 3 machines already delegated to Officers 4. Legislation still being debated. Separate advice guidelines will be published	1. No change 2. No change 3. No change 4. No change
4	Gamblers Anonymous	Terms of reference	Noted	Add to 'Useful Addresses' appendix
5	Trethowans on behalf of Association of British Bookmakers	1. Door supervision – suggested additional wording 2. Betting machines – suggested additional wording 3. Re-siting of premises – request for licensing authorities to	1. See Policy 9.20 2. See Policy 14.3 3. New application must be made and each considered on its own merits	1. Suggested wording be added but excluding the "no evidence" sentence. 2. Suggested wording be added but excluding

Carlisle City Council

		<p>support this progress</p> <p>4. Enforcement – Central contact</p> <p>5. Location of premises – request that location is not a factor</p> <p>6. Request copy of final policy</p>	<p>4. Not a policy issue – good practice</p> <p>5. See Policy 9.7 – each on its own merits – onus on applicant to show how concerns may be overcome. Section 5.9 of the Guidance states licensing authorities will need to consider questions raised by the location of gambling premises</p> <p>6. Agreed</p>	<p>the “no evidence” sentence.</p> <p>3. No change</p> <p>4. No change</p> <p>5. No change</p> <p>6. Copy of adopted policy will be sent</p>
6	Money Advice Trust & National Debtline	<p>1. Suggest new definition of vulnerable persons</p> <p>2. Promoting debt advice</p>	<p>1. See Policy 9.13. Do we wish to deviate from the Gambling Commission definition?</p> <p>2. See Policy 15.6 – Provision of information leaflets already included.</p>	<p>1. No change</p> <p>2. No change at 15.6, but add details of organisations to ‘Useful Addresses’ appendix</p>
7	Mrs M Van Tilburg on behalf of Cavendish & Chiswick Residents Association	Concern over development of a casino	Replied stating that we have not been selected for a casino	No change, copy of adopted policy will be sent
8	Cumbria Health & Safety Liaison	No comment on policy	Noted	No change



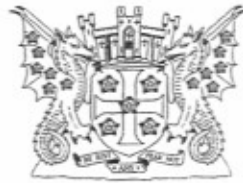
Carlisle City Council

	Group			
9	Revd. R Pratt Churches of Carlisle	a) Question re informal raffles b) Q re race nights c) Policy 5.3 liked – all treat on their individual merits d) Policy 7.4 liked – risk based approach e) Policy 10.1 – concern over vulnerable persons f) Concern over truanting schoolchildren g) Exemption for travelling fairs h) Right to install 2 gaming machines	a) Exempt on night, otherwise lottery licence b) Not allowed on licensed premises c) Noted d) Noted e) Onus on licence holder - See Policy 10.2, 11.2 & 15.6. Conditions cannot be imposed without evidence of a problem. Interested Party or Responsible Authority can request review of licence f) Onus on licence holder - Interested Party or Responsible Authority can request review of licence g) Noted h) Policy 20.1 – This is included in the Act and the licensing authority has no discretion. This maintains the status quo.	a) No change b) No change c) No change d) No change e) No change f) No change g) No change h) No change
10	Cumbria Constabulary Carlisle	No comments	Noted	No change
11	Churches	Concern over 3 <sup>rd</sup> objective	This is statutory	No change

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	Together Ambleside
12	Poppleston Licensing Solicitors

APP'C'



Carlisle City Council  
Gambling Policy  
Working Group

## **Draft Statement of Gambling Policy**

### **Gambling Act 2005**

Legal & Democratic Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

**Written comments are invited on this draft policy by 22 September 2006 to:-**

**Mr J A Messenger  
Licensing Manager  
Legal & Democratic Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG**

**Tel: 01228 817523  
E-mail: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)**

**Further copies may be obtained from the above address or from the Council's website:-  
[www.carlisle.gov.uk](http://www.carlisle.gov.uk)**

# Draft Statement of Licensing Policy

## Gambling Act 2005

### (Published October 2006 - Version 3b)

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*This Statement of Licensing Policy has been drafted at a time when a number of regulations, Operating/Personal Licence conditions, Codes of Practice and guidance are not yet published. Should anything in these, when published, impact upon the content of this document that impact will be borne in mind and the policy may be amended at a later stage by the Authority. All references to the Gambling Commission's Guidance for local authorities refer to the Guidance published in April 2006.*

## **Preface**

Under the Gambling Act 2005, a new regime for regulating gambling and betting will be introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Carlisle City Council, along with other local licensing authorities, has a duty under the Act to licence premises where gambling is to take place and to licence certain other activities (such as registering small society lotteries). This document sets out how we intend to approach this task.

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 Gambling Act 2005 ("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 Gambling 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 gaming, betting or participating 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.

## 2. Introduction

- 2.1 Carlisle is the most northerly of Cumbria's six districts, covering more than 400 square miles of outstanding natural environment. It stretches from the Scottish and Northumbrian borders in the north and east, to West Cumbria and the Solway Firth in the west and the Lake District in the south. Carlisle is remote from other main centres of population, being 300 miles from London, more than 90 miles from Glasgow and Edinburgh, more than 50 miles from Newcastle upon Tyne and 119 miles from Manchester.

Carlisle is the second most populated district in Cumbria with a population of 105,200 (Office of National Statistics – mid year population 2005) but density is low at 98 people per square kilometre, and the City has a large rural hinterland. It is the regional, commercial, administrative and retail centre serving a catchment population of around 450,000 who live within an hour's travelling time. It is a significant transport hub for rail services and the national road network. There is also a local airport that is the subject of extensive development plans.

The population profile (2001 Census) is illustrated below;

Years of Age	0 to 15	16 to 74	75 and over
Total	18,981	73,413	8,345

- 2.2 A map of the Council's area is included at Appendix 5. The key provided identifies the urban/rural areas.
- 2.3 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.
- 2.4 Carlisle City Council consulted widely upon this statement before finalising and publishing.



2.5 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.

2.6 A list of the persons this authority consulted is set out in Appendix 1

2.7 Our consultation took place between Monday 3 July 2006 and Friday 22 September 2006.

2.8 The full list of comments made and the consideration by the Council of those comments is available by request to the person named below.

2.9 The policy will be approved at a meeting of the Full Council on a date which is yet to be fixed. It was published in draft via our website on 3 July 2006. Copies were placed in the public libraries of the area as well as being available in the Civic Centre. Please contact the person named below for more information.

2.10 Should you have any comments as regards this policy statement please send them via e-mail or letter to the following contact:

Name: Jim Messenger, Licensing Manager

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

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

2.11 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 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 for local authorities, this authority has consulted with both the local Safeguarding Children Board and Cumbria County Council Social Services. This Authority considers that the local Safeguarding Children Board is best able to fulfil the role of advising the Authority about the protection of children from harm for the purposes of Section 157(h) of the Act. Cumbria County Council Children's Services (Safeguarding and Review) will accept applications for the purposes 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](http://www.carlisle.gov.uk).

### **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. The principles are set out in the following paragraphs.

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 8.14 and 8.15. These are:

5.3.1 The size of the premises

5.3.2 The nature of the premises

5.3.3 The catchment area of the premises

5.3.4 The distance of the premises from the location of the person making the representation

5.3.5 Whether the person making the representation has business interests in the catchment area that might be affected

5.3.6 The potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment)

5.3.7 The circumstances of the complainant – not the personal circumstances, but the interests of the complainant which may be relevant to the distance from and effects of the premises. For example the authority may conclude that "sufficiently close to be affected" should have different meaning in relation to a private individual to that in relation to a residential hostel for vulnerable adults.

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 (eg 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 so that the danger of a Member of the Committee giving the appearance of bias is reduced. If there are any doubts then please contact the 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 to local authorities on this matter when it is published, 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 Gambling Commission, the Police and other responsible 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 This licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This licensing authority will also adopt a risk-based inspection programme.

7.5 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 will be 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.

## **8. Licensing Authority Functions**

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 one or two 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.

### **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 will also issue Codes of Practice under Section 24 about the way in which facilities for gambling are 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](http://www.gamblingcommission.gov.uk)  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)



## Part B

# Premises Licences

### 9. General Principles

- 9.1 Premises licences will be 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.
- 9.2 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.
- 9.3 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 12 on Casinos below) and also acknowledges that unmet demand is not a criterion for a licensing authority to consider.
- 9.4 **Definition of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to 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. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.
- 9.5 This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:
- licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits



from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.

- licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Clearly, there will be specific issues that authorities should consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

- 9.6 It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensures that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.
- 9.7 **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 can. 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. Any such policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 9.8 **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.

### Licensing Objectives

- 9.9 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.

- 9.10 **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. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- 9.11 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority would generally 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 – page 23.
- 9.12 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). 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.
- 9.13 There is no definition of the term "vulnerable persons" but the authority will assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental health problems, learning disabilities, alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis.

### **Conditions**

- 9.14 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.

9.15 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. This may also include recognition of their social responsibility toward their customers.

9.16 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.

9.17 This authority will also ensure that where category C (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 such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

9.18 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. 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.

9.19 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.

9.20 **Door Supervisors** - This licensing authority may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted that door supervisors on duty at casinos or bingo premises are not required by law to be licensed by the Security Industry Authority (SIA). This licensing authority may have specific requirements for door supervisors working at casinos or bingo premises including, where it is considered necessary, a requirement that door supervisors are licensed by the SIA. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

9.21 For premises other than casinos and bingo premises, operators and licensing authorities may decide that supervision of entrances/machines is appropriate for particular cases but it will need to be decided whether these need to be SIA licensed or not. It will not be automatically assumed that they need to be.

9.22 The authority will only make a door supervision requirement if there is clear evidence from the history of trading at the premises, that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

9.23 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.

## 10. Adult Gaming Centres

10.1 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.

10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures may cover issues such as:

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

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

## **11. (Licensed) Family Entertainment Centres**

11.1 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, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry



- Notices/signage
- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

11.4 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.

## **12. Casinos**

12.1 *Proposal for a casino* - This licensing authority submitted a proposal for a premises licence for a small/large casino, to the Independent Casinos Advisory Panel. The application was unsuccessful at this time.

12.2 Details regarding this proposal can be found at [www.culture.gov.uk/cap/proposals/carlisle.pdf](http://www.culture.gov.uk/cap/proposals/carlisle.pdf)

12.3 *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.

12.4 *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 (ie 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 which 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 any regulations/codes of practice issued under the Gambling Act 2005.

- 12.5 *Licence considerations/conditions* - The Gambling Commission has stated that "further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises" (Gambling Commission Guidance for local authorities - 17.30). This guidance will be considered by this licensing authority when it is made available.
- 12.6 *Betting machines* - This licensing authority will 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.

### **13. Bingo Premises**

- 13.1 Bingo is a class of equal chance gaming and will be permitted in alcohol licensed premises and in clubs provided it remains below a certain threshold, otherwise it will be subject to a bingo operating licence which will have to be obtained from the Gambling Commission.
- 13.2 The holder of a bingo operating licence will be able to provide any type of bingo game including cash and prize bingo.
- 13.3 Commercial bingo halls will require a bingo premises licence from the Council.
- 13.4 Amusement arcades providing prize bingo will require a prize gaming permit from the Council.
- 13.5 The Gambling Commission's Guidance states:

"18.4 - It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted licensing authorities should ensure that:

- all such machines are located in an area of the premises separate 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 the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and



- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18."

13.6 This licensing authority is also aware that the Gambling Commission is likely to issue further guidance about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises. Any such guidance will be considered and applied by this licensing authority once it is available.

### **Members' Clubs and Commercial Clubs**

13.7 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in Section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days of £2,000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operators' licence and the corresponding personal and premises licences.

## **14. Betting Premises**

14.1 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.

14.2 Betting premises will be able to provide a limited number of gaming machines and some betting machines.

14.3 *Betting machines* - This licensing authority will 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.

14.4 This licensing authority will only consider limiting the number of machines where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. Where there is such evidence, this authority may consider, in any review of the licence, the ability of staff to monitor the use of such machines from the counter.

14.5 Each application will be considered on its own individual merits.

## **15. Tracks**

- 15.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 15.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Licensing Authority 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.
- 15.3 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.
- 15.4 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. This licensing authority will especially consider the impact upon the third licensing objective (ie 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.
- 15.5 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.
- 15.6 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures may cover issues such as:
- Proof of age schemes
  - CCTV
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage

- Specific opening hours
- Self-barring schemes
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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

15.8 *Gaming machines* - Further guidance from the Gambling Commission is awaited as regards where such machines may be located on tracks and any special considerations that should apply in relation, for example, to supervision of the machines and preventing children from playing them. This licensing authority will consider the location of gaming machines at tracks, and applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, these machines are located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

15.9 *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 notes the Gambling Commission's view that it would be preferable for all self-contained premises operated by off-course betting operators on tracks to be the subject of separate premises licences. This will ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the track premises.

This licensing authority will 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 wants to offer. This licensing authority may wish to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

15.10 *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.

- 15.11 *Applications and plans* - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but, in accordance with the Gambling Commission's suggestion, and to ensure that the licensing authority gains a proper understanding of what they are being asked to license, considers that applicants should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities. It also considers that plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.
- 15.12 This licensing authority also considers that it is necessary to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.

## **16. Travelling Fairs**

- 16.1 This licensing authority will decide in each individual case 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.
- 16.2 The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair. Gambling Commission Guidance section 28 (1) defines a travelling fair as "wholly or principally" providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year.
- 16.3 The 27-day statutory maximum for the land being used as a fair, is per calendar year, and 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.

## **17. Provisional Statements**

- 17.1 This licensing authority endorses the Guidance from the Gambling Commission which states that "It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence" and that "Requiring the building to be complete ensures that the authority could, if necessary, inspect it fully".

- 17.2 In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- a) which could not have been raised by objectors at the provisional licence stage; or
  - b) which is in the authority's opinion reflect a change in the operator's circumstances.
- 17.3 The Gambling Commission's Guidance states that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal".

## **18. Reviews**

- 18.1 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, as well as consideration as to whether the request is frivolous, vexatious, 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.
- 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.
- 18.2 Licensing authority officers may be involved in the initial investigation of complaints and may try informal mediation or dispute resolution in an effort to avoid the need for a formal review.
- 18.3 The licensing authority can also initiate a review of a licence on the basis of any reason which it thinks is appropriate. This can extend to a review of a class of licences where it considers particular issues have arisen. Reviews of a class of premises will be first agreed to by the Director of Legal and Democratic Services in consultation with the Chairman of the Licensing (Licensing Act 2003) Committee.

18.4 The Gambling Commission will be a Responsible Authority in a premises licence review.



## Part C

### Permits/Temporary & Occasional Use Notice

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

- 19.1 Where a premises licence is not in force in respect of the use of particular premise but the operator wishes to provide gaming machines, it may apply to the licensing authority for this permit. The applicant must show that the premises will be wholly or mainly used for making gaming machines available for use.
- 19.2 The Gambling Act 2005 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.
- 19.3 Guidance section 24.7 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.
- 19.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 19.5 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.



19.6 This licensing authority will also expect 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 and that staff are trained to have a full understanding of the maximum stakes and prizes.

## **20. (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))**

20.1 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 (ie 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.

20.2 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 issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" 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 who 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.

20.3 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 be treated on its own merits.

- 20.4 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.

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.

## **21. Prize Gaming Permits - (Principles on Permits - Schedule 14 paragraph 8)**

- 21.1 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 propose to consider in determining the suitability of the applicant for a permit".
- 21.2 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.
- 21.3 The applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:
- that they understand the limits to stakes and prizes that are set out in Regulations;
  - and that the gaming offered is within the law.
- 21.4 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.
- 21.5 However, there are conditions in the Gambling Act 2005 with which the permit holder must comply; the licensing authority cannot attach additional 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.

## **22. Club Gaming and Club Machines Permits**

- 22.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming Machine Permit will enable the premises to provide gaming machines (up to 3 machines of categories B, C or D).
- 22.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. 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".
- 22.3 Licensing authorities may only refuse an application on the grounds that:
- a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
  - b) the applicant's premises are used wholly or mainly by children and/or young persons;
  - c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
  - d) a permit held by the applicant has been cancelled in the previous ten years; or
  - e) an objection has been lodged by the Gambling Commission or the police.
- 22.4 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".

22.5 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.

### **23. Temporary Use Notices**

23.1 There are a number of statutory limits as regards temporary use notices. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises...This is a new permission and licensing authorities will normally object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises".

### **24. Occasional Use Notices**

24.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **Appendix 1 – List of Consultees**

Age Concern, 20 Spencer Street, Carlisle

Association of British Bookmakers, 1-4 Warwick Street, London

BACTA, 133 Aldersgate Street, London

Bangladeshi Caterers Association, London Road, Carlisle

Bet Fred, Birchwood, Warrington

Berwin, Leighton Paisner, 154 Fleet Street, London

Bingo Association, Lexham House, Dunstable

British Association of Leisure, London

British Beer & Pub Association, Halifax

British Casino Association, 38 Grosvenor Gardens, London

British Greyhound Association

British Holiday and Home 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, Putney, London

CADAS, 1 Fisher Street, Carlisle

Carlisle City Council – All Members

Carlisle City Council - Chief Executive and all Directors

Carlisle City Council - Corporate Policy Unit

Carlisle City Council - Community Overview and Scrutiny

Carlisle City Council - Parish Councils

Carlisle City Council - Website

Carlisle City Council - Youth Inclusion Officer

Carlisle College, Victoria Place, Carlisle

Carlisle & District Law Society, Wellrash Barn, Wigton

Carlisle District Pub Watch Scheme, Cumbria Constabulary, Citadel Chambers, Carlisle  
 Carlisle & District PCT, Wavell Drive, Rosehill, Carlisle  
 Carlisle & Eden CDRP, Civic Centre, Carlisle  
 Carlisle & Eden CDRP Drug Task Group, Civic Centre, Carlisle  
 Carlisle Housing Association – Residents Association, Botchergate, Carlisle  
 Carlisle Licensed Victuallers, Stone Inn, Hayton  
 Carlisle & Rural Tenants Federation, 101 Briar Bank, Carlisle  
 Carlisle Volunteer Bureau, 27 Spencer Street, Carlisle  
 Casino Operators Association, Thorncombe  
 Chinese Association, Escott Works, Carlisle  
 Chiswick St Residents Association, 15 Chiswick Street, Carlisle  
 Churches of Carlisle, Revd. R Pratt, Church House, Carlisle  
 Citizens Advice Bureau, Carlyles Court, Carlisle  
 Club Italiano di Cumbria, 13 Abbottsford Drive, Carlisle  
 Cumberland Newspapers, Dalston Road, Carlisle  
 Cumbria Association of Local Councils, Penrith Library, Penrith  
 Cumbria Chamber of Commerce, Enterprise Centre, Carlisle  
 Cumbria Constabulary, Citadel Chambers, Carlisle  
 Cumbria Constabulary, Chief Constable, Carleton Hall, Penrith  
 Cumbria Constabulary, Legal Services, Carleton Hall, Penrith  
 Cumbria County Council - Children's Services  
 Cumbria County Council - Corporate Management  
 Cumbria County Council - Community Safety Officer  
 Cumbria County Council - Cultural Policy Unit, Arroyo Block  
 Cumbria County Council - Education Services  
 Cumbria County Council - Legal Services  
 Cumbria County Council - Neighbourhood Development Officer  
 Cumbria County Council - Social Services, New Oxford Street, Workington  
 Cumbria Drugs Action Team  
 Cumbria Fire Service, 11/13 Brunswick Street, Carlisle  
 Cumbria Health & Safety Liaison Group, Catherine Street, Whitehaven



Cumbria Housing Group, Botchergate, Carlisle  
Cumbria Tourist Board, Ashleigh, Holly Road, Windermere

Eurobet UK, 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  
Holders of Premises Licence  
Honeycombe Leisure, Fulwood, Preston

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, Dalston Library, The Square, Dalston  
Librarian, Denton Holme Public Library, Community Centre, Morley Street, Carlisle  
Librarian, Harraby Library, Edgehill Road, Carlisle  
Librarian, Library Service For Schools, Botchergate, Carlisle  
Librarian, Library Services, Arroyo Block, The Castle, Carlisle  
Librarian, Longtown Library, Lochinvar Centre, Longtown  
Librarian, Morton Public Library, Wigton Road, Carlisle  
Local Safeguarding Children, Portland Square, Carlisle

NRU Betting & Gaming, Portcullis House, 21 India Street, Glasgow



NSPCC, 7 Chatsworth Square, Carlisle

North Cumbria Acute Hospitals NHS Trust, Cumberland Infirmary, Carlisle

North Cumbria PCT, South William Street, Workington

Parks, Piers and Attractions, balpa@btconnect.com

Polish Association, 24 Wentworth Drive, Carlisle

Poppleston Allen, Licensing Solicitors, The Lace Market, Nottingham

Prize Coin Equipment, Central Avenue, Gretna

Racecourse Association Ltd, Winkfield Road, Ascot

Scottish & Newcastle Retail, Lakeside House, Northampton

Thwaites Inns, Star Brewery, Blackburn

Ukranian Association, 32 Briery Acres, Workington

William Hill Ltd, Wood Green, London

## **Appendix 2 - Contact List**

## Appendix 3 - Categories of Gaming Machines

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50p	£25
D	10p or 30p when non-monetary prize	£5 cash or £8 non-monetary prize

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D
Regional casino (machine/table ratio of 25-1 up to maximum)	Maximum of 1250 machines Any combination of machines in categories A to D, within the total limit of 1250 (subject to table ratio)						
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines on categories B to D, within the total of 150 (subject to table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D, within the total limit of 80 (subject to table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D or C or D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Adult gaming centres				Maximum of 4 machines in category B3 or B4		No limit C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B4 to D		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number as specified on permit	
Travelling fair							No limit on category D machines
	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>

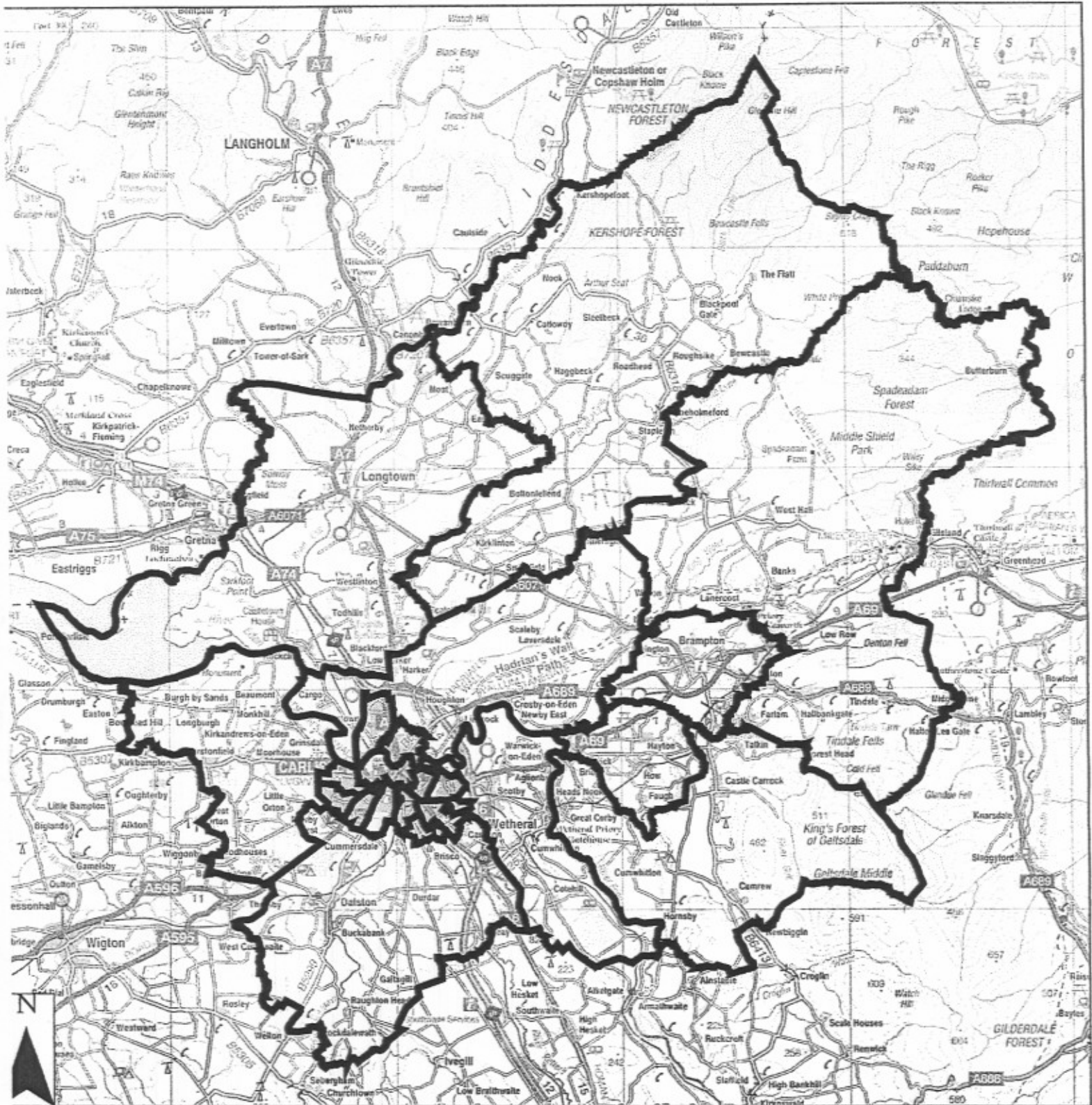
## Appendix 4 - Delegation of Functions

Matter to be dealt with	Full Council	Sub-committee of Licensing 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			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

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

## Appendix 5 - Map of the District

# Carlisle City Council District and Ward Boundaries



District and Ward Boundary

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**CARLISLE  
CITY COUNCIL**



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

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