

AGENDA

Licensing Committee

Wednesday, 06 February 2013 AT 15:31
In the Flensburg Room, Civic Centre, Carlisle, CA3 8QG

Apologies for Absence

To receive apologies for absence and notification of substitutions.

Declarations of Interest

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

Public and Press

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

Minutes of previous meetings

To approve the minutes of the meeting held on 30 May 2012 [Copy Minutes in Minute Book Volume 39(1)] and 17 October 2012 [Copy Minutes in Minute Book Volume 39(4)]

PART A

To be considered when the Public and Press are present

A.1 LICENSING ACT 2003 UPDATE 5 - 8

The Licensing Manager to provide an update on the Licensing Act 2003.
(Copy Report GD.07/13 herewith)

A.2 GAMBLING ACT 2005 UPDATE 9 - 12

The Licensing Manager to provide an update on the Gambling Act 2005.
(Copy Report GD.08/13 herewith)

PART B

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

-NIL-

CARLISLE CITY COUNCIL

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

Date of Meeting:- 6 February 2013

Agenda Item No:- **A.1**

Public	Operational	Delegated Yes
---------------	--------------------	----------------------

Accompanying Comments and Statements	Required	Included
Cumbria Fire Service	No	No
Cumbria Constabulary	No	No
Environmental Services	No	No
Planning Services	No	No

Title:- LICENSING ACT 2003 UPDATE

Report of:- DIRECTOR OF GOVERNANCE

Report reference:- GD 07/13

Summary:-

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

Recommendation:-

Members are requested to note the information.

J A Messenger
Licensing Manager
Governance Directorate

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:- Records of Licences issued, recent legislation

To the Chairman and Members of the Licensing Committee on 6 February 2013

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

1 Background

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

2 Licence figures – as at 28 January 2013

2.1 Personal Licences

Previous Report - 1263
Current Licences – 1300
Total licences surrendered/revoked - 11

2.2 Premises Licences

With alcohol
Previous Report - 394
Current Licences – 394
Total licences surrendered - 84

Without alcohol
Previous Report - 91
Current Licences – 90
Total licences surrendered - 23

2.3 Club Premises Certificate

With alcohol
Previous Report - 22
Current Licences – 22
Total licences surrendered - 5

Without alcohol
Previous Report - 0
Current Licences – 0

2.4 Temporary Event Notices

Year	No. Received	No. Refused
2006	199	5
2007	261	3
2008	267	2
2009	203	12
2010	243	5
2011	276	6
2012	247	4
2013 to date	10	0

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

Pending applications – 14

3 Current Issues

3.1 Licensing Act 2003 - Fees

Currently all fees under the Licensing Act are fixed by Central Government. They are reviewing this to ensure that Licensing Authorities recover the full cost of administering the licensing function. Further information is expected in the next few months and will be reported to this committee.

3.2 Test Purchase Operation

Test purchase operations are periodically carried out by the Police and Trading Standards. A recent operation targeted off licences for under age sales of alcohol and/or tobacco. Five premises refused the sale however disappointingly two premises sold alcohol to the young person. This was dealt with by £80 fixed penalty ticket to the seller and the licence holder will be interviewed.

4 RECOMMENDATION

Members are requested to note this report.

Prepared by:
J A Messenger
Licensing Manager

CARLISLE CITY COUNCIL

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

Date of Meeting:- 6 February 2013

Agenda Item No:- **A.2**

Public

Operational

Delegated Yes

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 UPDATE**

Report of:- **DIRECTOR OF GOVERNANCE**

Report reference:- **GD 08/13**

Summary:-

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

Recommendation:-

Members are requested to note the report.

J A Messenger
Licensing Manager
Governance Directorate

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:- Records of Licence applications

To the Chairman and Members of the Licensing Committee on 6 February 2013

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

1.0 **BACKGROUND**

1.1 The Gambling Act 2005 took effect on 1st September 2007, from which date this Council assumed responsibility for administering premises licences.

1.2 The main thrust of the legislation was that Local Authorities took over the responsibility for licensing gambling premises from the Licensing Justices. The Gambling Commission has responsibility for licensing operators and personal licence holders.

2.0 **LICENCE FIGURES - as at 28 January 2013**

2.1 **Adult Gaming Centres**

Previous Report	0
Current Licences	0
Surrendered	5

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

Previous Report	20
Current Licences	20
Surrendered	1

2.3 **Betting Premises (Track)**

Previous Report	2
Current Licences	2

2.4 **Bingo Premises**

Previous Report	3
Current Licences	3

2.5 **Unlicensed Family Entertainment Centre**

Previous Report	2
Current Licences	2

3.0 **OTHER LICENCES**

3.1 **Club Gaming Permit**

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

Previous Report	7
Current Report	8

3.2 Club Machine Permit

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

Previous Report	8
Current Report	7
Surrendered	2
Cancelled	1

3.3 Alcohol Premises - Gaming Machine Permits/Notifications

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

Notifications	82
LPGMP	13

3.5 Small Lottery Licences

These permits have been the responsibility of local authorities for many years and come under the new legislation with effect 1st September 2007. They are usually issued to charities or sports clubs where there is no private gain.

Previous Report	201
Current Registrations	201

4.0 CURRENT ISSUES

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

5.0 GAMBLING POLICY

5.1 In accordance with the Gambling Act 2005, licensing authorities are required to publish a statement of the principles which they propose to apply when exercising their functions. Our current policy was published on 3 January 2013 and will become effective on 31 January 2013.

6.0 OPTIONS

6.1 Members are requested to note the report.

Prepared by:
J A Messenger
Licensing Manager

