

# CARLISLE CITY COUNCIL

Report to:- **City Council**

Date of Meeting:- **7 November 2006**

Agenda Item No:-

Public	Policy	Delegated: Yes
Accompanying Comments and Statements		Required Included

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

Report of:- **Director of Legal and Democratic Services**

Report reference:- **LDS 84/06**

## Summary:-

The Gambling Act 2005 received Royal Assent in April 2005. The major implication for this Council is that the responsibility for the licensing of gambling premises will transfer from the Licensing Justices to Local Authorities. A requirement of the new legislation is that Local Authorities must publish their policy Statement one month before the "first appointed day", which is 31<sup>st</sup> January 2007. In addition the Licensing Authority must designate an appropriate body as competent to advise them about the protection of children from harm

## Recommendation:-

That the City Council approves:

- a) the draft Statement of Gambling Policy for adoption by this Council, and
- b) designate the local Safeguarding of Children Board as best able to fulfil the role of advising the Authority about the protection of children from harm

**Contact Officers:** Jim Messenger  
Mark Lambert

**Ext:** 7025  
7019

Jim Messenger  
Licensing Manager  
25 October 2006

**Note: in compliance with section 100d of the Local Government (Access to Information) Act 1985 the report has been prepared in part from the following papers: None**

## **Background**

- 1.1 The Gambling Act 2005 repeals the Betting Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.
- 1.2 The Gambling Act received Royal Assent on 7 April 2005 and as a result Local Authorities become Licensing Authorities under the legislation. The Act gives new responsibility to Licensing Authorities to undertake a number of licensing and regulatory functions in relation to gambling premises.
- 1.3 In order to assist Authorities in undertaking these new responsibilities and to provide transparency for those wishing to apply to the Authority for a permission under the Act, Section 349 requires all Authorities to prepare and publish a Gambling Policy Statement. This document will last for a maximum of three years, but can be reviewed and revised by the Authority at any time. It must set out the principles the Authority proposes to apply in exercising its functions under the Act and must be published one month before the 'first appointed day' which is 31<sup>st</sup> January 2007.

## **Gambling Policy**

- 2.1 A Gambling Policy Working Group was appointed by the Licensing Committee to oversee the formulation of the draft policy.
- 2.2 Consultation on the draft policy took place between 3<sup>rd</sup> July and 22<sup>nd</sup> September 2006.
- 2.3 Following the end of the consultation period a number of amendments were made to the draft policy. The final draft was considered by Community Overview and Scrutiny Committee, Licensing Committee and finally the Executive on 23<sup>rd</sup> October 2006.
- 2.4 The report to the Executive is attached at Appendix B and the decision was:  
  
That the Executive approves the content of the revised draft statement of Gambling Policy, incorporating the amendments suggested by the Community Overview and Scrutiny Committee and the Licensing Committee, and that it be referred to the City Council for formal approval.

## **Designation of body to advise on the protection of children**

- 3.1 Section 157 (h) of the Act requires the licensing authority to designate, in writing, a body which is competent to advise the authority about the protection of children from harm.
- 3.2 Consultation took place with the Head of Legal Services, Cumbria County Council, who in turn consulted with the General Manager, Safeguarding and Review, Social Services and the Corporate Director of Children's Services. Their view was that the

Local Safeguarding of Children Board is the appropriate authority under section 157(h) (Appendix C).

3.3 Full Council must approve this designation.

#### **4. RECOMMENDATIONS**

- a) That the City Council approves the content of the draft Gambling
- b) That the City Council, under section 157(h) of the Act, designates the Local Safeguarding of Children Board as the appropriate body to advise the Licensing Authority about the protection of children from harm.

#### **5. REASONS FOR RECOMMENDATIONS**

To secure the adoption of the Gambling Policy by Full Council in accordance with the required timetable.

Prepared by J A Messenger  
Licensing manager

**CARLISLE**  
CITY COUNCIL



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## REPORT TO EXECUTIVE

### PORTFOLIO AREA: INFRASTRUCTURE, ENVIRONMENT AND TRANSPORT

Date of Meeting: 23<sup>rd</sup> October 2006

Public

Key Decision: Yes

Recorded in Forward Plan: Yes

Inside Policy Framework

**Title:** DRAFT STATEMENT OF GAMBLING POLICY  
GAMBLING ACT 2005  
**Report of:** Director of Legal & Democratic Services  
**Report reference:** LDS. 80/06

#### Summary:

The Gambling Act 2005 received Royal Assent in April 2005. The major implication for this council is that the licensing of gambling premises will be transferred from the Licensing Justices to Local Authorities. A requirement of the new legislation is that Local Authorities must publish their Policy Statement one month before the "first appointed day", which is 31<sup>st</sup> January 2007.

#### Recommendations:

That the Executive approves the content of the draft Gambling Policy Statement prior to referring it to Full Council for consideration.

**Contact Officer:** Jim Messenger  
Licensing Manager  
Mark Lambert  
Head of Legal Services

**Ext:** 7025

7019

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 Executive 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, Churches of Carlisle 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 being 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. A Gambling Policy Working Group from the Licensing Committee 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:
  - Community Overview and Scrutiny 18<sup>th</sup> October 2006
  - Licensing Committee 18<sup>th</sup> October 2006

#### **Timescales update**

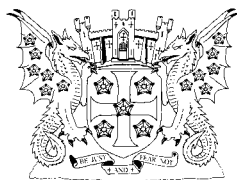
12. Time scales in relation to the publication of the policy are as follows:

- |                       |   |
|-----------------------|---|
| • 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**

That the Executive approves the content of the draft Gambling Policy Statement prior to referring it to Full Council for consideration.

Prepared by J A Messenger



Carlisle City Council

# **Draft Statement of Gambling Policy**

## **Gambling Act 2005**

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

Carlisle City Council has completed this document. If you would like a copy of it in Cantonese/Hindi/Urdu/Polish please could you contact us by calling 01228 817523 and you will be put through to an interpreter or email us at [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk). This document is also available in Cantonese/Hindi/Bengali/Urdo/Polish, in large print or audio tape.

(This paragraph will be repeated here in the above languages)



# **Draft Statement of Licensing Policy**

## **Gambling Act 2005**

**(Published December 2006)**

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*This Statement of Gambling 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 gambling, betting or taking part in a lottery:
- ‘gaming’ means playing a game of chance for a prize;
  - ‘betting’ means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true;
  - a ‘lottery’ is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

- 1.5 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.
- 1.6 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the Council's Licensing Team where appropriate.

## **2. Introduction**

- 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 100,739 (2001 Census) 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 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 was approved at a meeting of the Full Council on\*\*\*\*\*. It was published on our website on 3 January 2007 and advertised in a local newspaper. Copies have been placed in the public libraries of the area as well as being available in the Civic Centre. Please contact the Licensing Office below for more information.

2.10 Should you have any queries regarding this policy statement please send them via e-mail, telephone or letter to the following contact:

Name: The Licensing Manager

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

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

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 of 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.
- 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) and are listed at Appendix 2

### **5. Interested Parties**

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

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or

c) represents persons who satisfy paragraph (a) or (b)”

- 5.2 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. 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 Paragraphs 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 Council's Licensing Department.

## **6. Exchange of Information**

- 6.1 Licensing Authorities are required to include in their statements, the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission 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. This will be published separately. Whilst the Gambling Commission's Guidance suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing this draft statement, the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory/default conditions published, nor Codes of Practice.

## 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.

## 7.6 This licensing authority's enforcement/compliance protocols/written agreements and risk methodology will be available upon request to the Licensing Department and via our website.

# 8. Licensing Authority Functions

## Local Authorities

## 8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of 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 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. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

## **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 at Paragraph 15.
- 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 problem, 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.
- 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 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/licence conditions may cover issues such as:

- Proof of age schemes

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

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

## **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/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV – this should be of sufficient quality that it will be of use in evidence
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours

- Self-barring schemes– these are schemes whereby individuals who acknowledge they have a gambling problem, ask to be barred from certain premises
  - Provision of information leaflets/helpline numbers for organisations such as GamCare
  - Measures/training for staff on how to deal with suspected truant school children on the premises
- 11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.
- 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/carlsisle.pdf](http://www.culture.gov.uk/cap/proposals/carlsisle.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 type 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 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 Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.

- 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/licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV– this should be of sufficient quality that it will be of use in evidence
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours
  - Self-barring schemes– these are schemes whereby individuals who acknowledge they have a gambling problem, ask to be barred from certain premises.
  - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 15.7 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

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

## **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:

For the purposes of this Act –

(a) “fair” means a fair consisting wholly or principally of the provision of amusements, and

(b) a fair held on a day in a calendar year is a “travelling fair” if provided –

- (i) wholly or principally by persons who travel from place to place for the purpose of providing fairs, and
- (ii) at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

- 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 also states at Para. 24.7: "...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 most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

- 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.
- 20.5 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(3))**

- 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, West Walls, Carlisle  
 Citizens Advice Bureau, Carlyle's 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 and Rescue Service, 11/13 Brunswick Street, Carlisle  
 Cumbria Fire and Rescue Service, Headquarters, Cockermouth

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  
HM Revenue and Customs, Glasgow  
Holders of Premises Licence (Licensing Act 2003)  
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

Ukrainian Association, 32 Briery Acres, Workington

William Hill Ltd, Wood Green, London

## Appendix 2 - Useful addresses

### Responsible Authorities

Application forms should be sent to the Licensing Manager

Notice of the application should be sent to the undermentioned responsible authorities, clearly marking the envelope 'Licensing Act application'

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

Tel: 01228 817523  
Email: [licensing@carlisle.gov.uk](mailto:licensing@carlisle.gov.uk)

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Food Health and Safety Team  
Community Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Tel: 01228 817326  
Email: [eps@carlisle.gov.uk](mailto:eps@carlisle.gov.uk)

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Development Control  
Planning Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG

Tel: 01228 817579  
Email: [dc@carlisle.gov.uk](mailto:dc@carlisle.gov.uk)

The Licensing Officer  
Cumbria Constabulary  
Warwick Street  
Carlisle  
CA3 8QW

Tel: 01228 529191

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The Divisional Officer  
Cumbria Fire Service  
C Division Headquarters  
11/13 Brunswick Street  
Carlisle  
CA1 1PB

Tel: 01228 521215  
Email: [cdivcarlisle.fire@cumbriacc.gov.uk](mailto:cdivcarlisle.fire@cumbriacc.gov.uk)

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Senior Management Secretary  
Safeguarding and Review  
Social Services  
New Oxford Street  
Workington  
CA14 2LW

Tel: 01900 325365

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

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Health and Safety Executive  
2 Victoria Place  
Carlisle  
CA1 1ER

Tel: 01228 539321

(where the HSE is the enforcing authority for  
health & safety matters in the premises)

## **Other Useful Addresses**

British Beer and Pub Association  
Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ

Tel: 0207 627 9191  
Email: [web@beerandpub.com](mailto:web@beerandpub.com)  
Web: [www.beerandpub.com](http://www.beerandpub.com)

British Institute of Innkeeping  
Wessex House  
80 Park Street  
Camberley  
Surrey GU15 3PT

Tel: 01276 684 449  
Email: [reception@bii.org](mailto:reception@bii.org)  
Web: [www.bii.org](http://www.bii.org)

Disability Rights Commission DCR Helpline  
Freepost MID01264  
Stratford Upon Avon  
CV37 9BR

Tel: 08457 622 633  
Web: [www.drc-gb.org](http://www.drc-gb.org)

Equity  
Guild house  
Upper Martins Lane  
London  
WC2H 9EG

Tel: 0207 379 6000  
Email: [info@equity.org.uk](mailto:info@equity.org.uk)  
Web: [www.equity.org.uk](http://www.equity.org.uk)

North Cumbria Magistrates Courts Service  
Rickergate  
Carlisle  
CA3 8QH

Tel: 01228 518800

Gamcare  
2/3 Baden Place  
Crosby Row  
London SE1 1YW

Tel: 020 7378 5200  
Helpline: 0845 6000 133  
Email: [info@gamcare.org.uk](mailto:info@gamcare.org.uk)  
Web: [gamcare.org.uk](http://gamcare.org.uk)

Gamblers Anonymous  
PO Box 5382  
London W1A 6SA

Local Meetings:  
7.30pm Monday  
Church of Scotland Chapel Street Carlisle  
CA1 1JA

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

Money Advice Trust  
Bridge House  
181 Queen Victoria Street  
London EC4V 4DZ

Web: [www.moneyadvicetrust.org/home.html](http://www.moneyadvicetrust.org/home.html)

Consumer Credit Counselling Service  
Wade House  
Merrion Centre  
Leeds LS2 8NG

Web: [www.cccs.co.uk](http://www.cccs.co.uk)

## 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 ration 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 ration 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 ration 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	
Family							No limit on

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D
entertainment centre (with permit)							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>



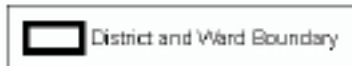
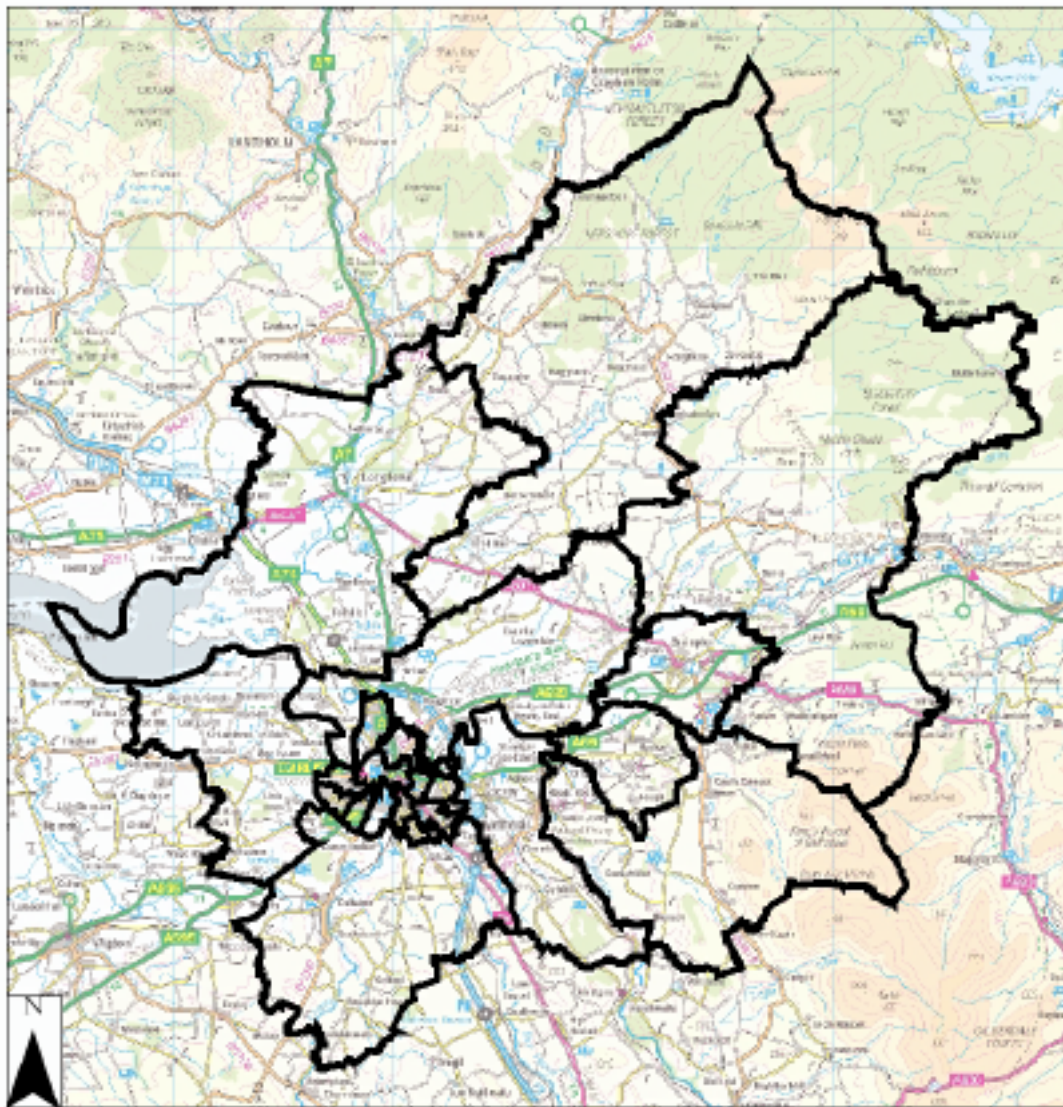
## Appendix 4 - Delegation of Functions

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



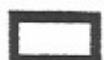
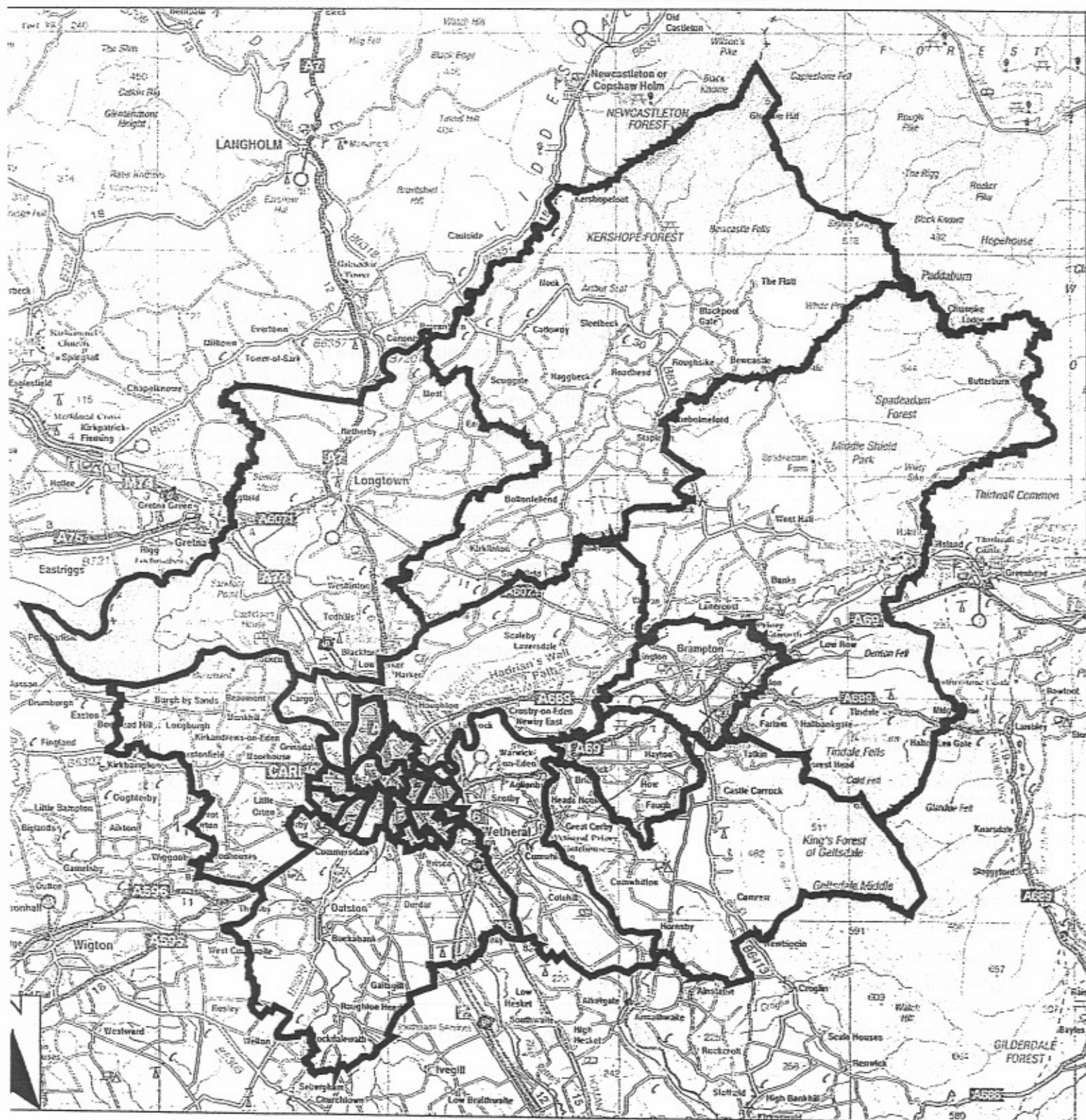
This map is a representation of the District and Ward boundaries as they are currently defined. It is not a legal document and should not be used for legal purposes. For more information, please contact the Council.

**CARLISLE**  
CITY COUNCIL  
  
[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

**Civic Centre  
Rickergate  
Carlisle  
CA3 8QG**

## Appendix 5 - Map of the District

# Carlisle City Council District and Ward Boundaries



District and Ward Boundary

map is reproduced from Ordnance Survey material with the  
 permission of Ordnance Survey on behalf of the Controller of Her  
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 (if proceedings, Carlisle City Council is not responsible for any errors)

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**CARLISLE  
CITY COUNCIL**



**Civic Centre  
Rickergate  
Carlisle  
CA2 8OC**



24 August 2006

Your Ref: Licensing/JAM

Our Ref: BW/JEC 32.11

Enquiries to: Mr Walker

Direct Line: 01228 607350

E-mail: brian.walker@cumbriacc.gov.uk

J M Egan Esq LLB

Director of Legal &amp; Democratic Services

Carlisle City Council

DX 63037

CARLISLE

RECEIVED

25 AUG 2006

COUNTY COUNCIL

Finance and  
Central Services

Legal Services Unit

The Courts Carlisle

Cumbria CA3 8LZ

tel- 01228 606060

General Office fax- 01228 607376

Childcare fax- 01228 607351

Rights of Way and Highways

fax- 01228 607347

dx- 63023 Carlisle

LEGAL & DEMOCRATIC SERVICES	
25 AUG 2006	
PASSED TO	<i>Lyeming</i>
ANSWERED	
MAIL LOG	

**For the attention of Mr J A Messenger, Licensing Manager**

Dear Mr Egan

**GAMBLING ACT 2005**

Thank you for your letter of 17 August.

I spoke with Ms Swann, Corporate Director – Children's Services who thought that her Directorate had responded to you.

The Council's view is that the Local Safeguarding of Children Board is the appropriate body for designation under section 157(h) of the Act as competent to advise licensing authorities about the protection of children from harm. It should, however, be appreciated that the Board meets, in relative terms, infrequently so that whilst it is the appropriate body for advice on policy and principle issues relating to the functions under the Act there could be practical difficulties in the ability of the Board to make representations to an authority in respect of individual applications under Part 8.

I do not know what timescales, if any, are proposed to be laid down under regulations to be made under the Act but realistically the County Council, as Children's Services Authority acting through its Corporate Director would be the body best placed to respond to specific applications for Premises Licences and appropriate arrangements would have to be agreed with the Local Safeguarding of Children Board.

I have sent a copy of this letter to the Corporate Director and to Charles Proctor and if they wish to add anything I have asked them to contact you directly as soon as possible.

Yours sincerely

*Brian Walker*

Head of Legal Services