CARLISLE CITY COUNCIL

www.carlisle.gov.uk

AGENDA

Licensing Committee

Wednesday, 17 October 2012 at 14:22

Or on the rising of the Regulatory Panel whichever is the later

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)]

PART A

To be considered when the Public and Press are present

A.1 LICENSING ACT 2003 UPDATE - REPORT GD.51.12 **3 - 6**

The Licensing Manager to provide an update on the Licensing Act 2003.
(Copy Report GD.51/12 herewith)

A.2 GAMBLING ACT 2005 UPDATE - REPORT GD.52.12 **7 - 10**

The Licensing Manager to provide an update on the Gambling Act 2005.
(Copy Report GD.52/12 herewith)

A.3 DRAFT STATEMENT OF GAMBLING POLICY - REPORT GD.53.12 **11 - 68**

The Licensing Manager to submit a report on the Statement of Gambling Policy.
(Copy Report GD.53/12 herewith)

A.4 LIVE MUSIC ACT 2012 - REPORT GD.54.12 **69 - 72**

The Licensing Manager to submit a report regarding the relaxation to national regulations for live music.
(Copy Report GD.54/12 herewith)

PART B

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

-NIL-

Enquiries to Committee Clerk: Rachel Rooney (01228 817039)

CARLISLE CITY COUNCIL

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

Date of Meeting:- 17 October 2012

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 51/12**

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 17 October 2012

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 8 October 2012

2.1 Personal Licences

Previous Report - 1230
Current Licences – 1263
Total licences surrendered/revoked - 11

2.2 Premises Licences

With alcohol
Previous Report - 389
Current Licences –394
Total licences surrendered - 78

Without alcohol
Previous Report - 93
Current Licences – 91
Total licences surrendered - 22

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 to date	194	3

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

Pending applications – 12

3 Current Issues

3.1 Live Music Act 2011

This Act received Royal Assent last year and the commencement date was 1 October 2012. Further details subject of a separate report

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:- 17 October 2012

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 52/12**

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 17 October 2012

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 8 October 2012

2.1 Adult Gaming Centres

Previous Report	2
Current Licences	0
Surrendered	5

2.2 Betting Premises (other than track)

Previous Report	19
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	8
Surrendered	2

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	81
LPGMP	14

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 were there is no private gain.

Previous Report	199
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. This statement must be published at least every three years. We consulted on a draft policy between 2nd July and 24th September 2012.

5.2 A Gambling Policy Working Group was formed and their recommendations are subject of a separate report.

6.0 **OPTIONS**

6.1 Members are requested to note the report.

Prepared by:
J A Messenger, Licensing Manager

CARLISLE CITY COUNCIL

A.3

Report to:-	**The Chairman and Members of the Licensing Committee**
Date of Meeting:-	17th October 2012 **Agenda Item No:-**

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**
DRAFT STATEMENT OF GAMBLING POLICY

Report of: **DIRECTOR OF GOVERNANCE**

Report reference: **GD 53/12**

Summary:-

Under the Gambling Act 2005, a local authority will for each three year period, consult and publish a statement of its Gambling Policy. On 30th May 2012 the Licensing Committee elected a Working Group to consider the policy during the consultation. The consultation period on the draft Gambling Policy ended on 24th September 2012.

On 8 October 2012 the Working Group considered the responses to the consultation and the amendments recommended by the Licensing Manager. The minutes from this meeting are attached.

Recommendation:-

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

J A Messenger
Licensing Manager

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

To the Members of the Licensing Committee on 17th October 2012

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 24th September 2012.

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, main Libraries etc. were given access to a copy of the draft policy. Many others with an interest in accordance with Appendix 1 were sent a letter informing them of the consultation 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. We received a total of 2 comments following the consultation. A schedule of these comments has been prepared and is included in the report to the Working Group. 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 consultation comments.

8. It is intended that a number of additional appendices be attached to the policy. These would include Guides of Best Practice and useful addresses (e.g. Gambling helplines, counselling contacts details etc.)

9. The Gambling Policy Working Group has sat on two 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 Working Group report and the latest draft of the Gambling Policy are attached to this report **(Appendix A-C)** and also **t**he minutes from the Working Group meeting on 8 October 2012 **(Appendix D).**

11. The draft has also been included on the agenda for the following committee:

    - 29th October 2012 - Executive

Recommendation

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

Prepared by J A Messenger

CARLISLE CITY COUNCIL

Report to:-	**GAMBLING POLICY WORKING GROUP**
Date of Meeting:-	8th October 2012
Agenda Item No:-	

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 – STATEMENT OF LICENSING POLICY**
Report of:-	**DIRECTOR OF GOVERNANCE**
Report reference:-	**GD 55/12**

Summary:

The first Statement of Licensing Policy was published on 31st January 2007. One of the duties of the local authority is for each three year period, to consult and publish a statement of its Licensing Policy. The current policy is now being reviewed. The draft consultation document was approved by this Working Group on 27 June 2012 and the 12 week consultation period has now ended. In addition to amendments suggested by the county Licensing Managers, two responses have been received.

Recommendation:

1. Consider the amended policy
2. The Gambling Policy Working Group to consider the responses to consultation and recommend the amended document to the Licensing Committee on 17th October 2012.

J A Messenger
Licensing Manager

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

To the Members of the Gambling Policy Working Group on 8th October 2012

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 Guidance, will be 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 -
   b) the chief officer of police for the licensing authority's area
   c) 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
   d) 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.

Preparation

4. The county officer group have considered the policy review and following advice from LG Regulation, the Gambling Commission and the DCMS, have made minor amendments to the existing policy to reflect new guidance and changes in the law.

5. On 30 May 2012 the Licensing Committee formed a Working Group to consider the Gambling Policy for submission through the various committees and eventual adoption by the council.

6. This Working Group met on 27 June 2012 and approved a draft consultation document. to be made available.

Consultation

7. The period of consultation was 12 weeks from 2nd July to 24th September 2012.

8. Consultation took place with a number of statutory organisations and companies in the trade who have been identified as having interests in this area. In addition a number of other organisations or individuals were consulted where it was thought they may assist in the process, or have requested a copy of the draft policy. A list of consultees is included at Appendix 1 of the draft policy **(Appendix A).**

9. The county Licensing Manager Working Group met on 2th October 2012 to consider the results of consultation. An amended version 3 of the draft policy was prepared with proposed amendments highlighted (**Appendix A).** The summary of proposed amendments recommended by the Licensing Managers is attached **(Appendix B)**.

10. As a result of the consultation two responses were received from consultees **(Appendix C)**.

11. The Licensing Manager will outline his recommendations to the meeting.

Timescales

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

- June/July 2012 — Authority develops draft Policy Statement
- 2 July – 24 Sept 2012 — Consultation held on draft Policy Statement
- Sept/October 2012 — Re-draft Policy Statement following consultation
- 08 October 2012 — Gambling Policy Working Group
- 17 October 2012 — Licensing Committee recommend Policy Statement
- 13 November 2012 — Full Council adopt Policy Statement
- 3 January 2013 — Publish Policy Statement
- 31 January 2013 — Reviewed policy takes effect

RECOMMENDATION

1. Consider the amended policy
2. The Gambling Policy Working Group to consider the responses to consultation and recommend the amended document to the Licensing Committee on 17th October 2012.

Prepared by
J A Messenger
Licensing Manager



Carlisle City Council

Draft Statement of Gambling Policy
(Version 3 - October 2012)

Gambling Act 2005

Licensing Section
Governance Directorate
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

English

If you would like a copy of this document in another format such as large print, Braille, audio or in a different language please call **01228 817200** or email **customerservices@carlisle.gov.uk**

Bengali

আপনি যদি এই নথির একটি কপি অন্য কোন মাধ্যমে যেমন, বড় ছাপা, ব্রেইল, ওডিও বা অন্য কোন ভাষায় চান তবে দয়া করে **01228 817200** এ নাম্বারে ফোন করুন অথবা ইমেইল করুন এ ঠিকানায়: **customerservices@carlisle.gov.uk**

Lithuanian

Norėdami gauti vertimą kuria nors kita kalba ar kitu formatu (pvz. audio), Brailio ar dideliu šriftu, prašau susisiekti su mumis telefonu **01228 817200** ar elektoriniu paštu - **customerservices@carlisle.gov.uk**

Polish

Jeśli życzą sobie Państwo kopię tego dokumentu w odmiennym formacie takim jak pisany dużym drukiem, brajlem, jako audio albo w innym języku proszę zadzwonić pod numer **01228 817200** albo e-mail **customerservices@carlisle.gov.uk**

Portuguese

Se desejar uma cópia deste documento num outro formato, tal como em letras grandes, Braille, áudio ou num idioma diferente, contacte-nos pelo telefone **01228 817200** ou pelo endereço de correio electrónico **customerservices@carlisle.gov.uk**

Turkish

Eğer bu belgeyi başka bir biçimde, örneğin büyük punto baskı, kabartma yazı, ses kaseti ya da başka bir dilde istiyorsanız lütfen **01228 817200**'ı arayın ya da **customerservices@carlisle.gov.uk** adresine e-posta gönderin.

Cantonese

如果您需要这个文件用其他格式，比如大印刷字体，盲人识字系统，音像或用另外一种语言, 请联系我们: 电话: **01228 817200**

电子邮件地址: **customerservices@carlisle.gov.uk**

Draft Statement of Licensing Policy
Gambling Act 2005

Contents **Page**

Preface 5

Part A - General

1. The licensing objectives 6
2. Introduction 7
3. Declaration 8
4. Responsible Authorities 8
5. Interested parties 9
6. Exchange of information 10
7. Enforcement 11
8. Licensing authority functions 13

Part B - Premises Licences

9. General Principles 15
10. Adult Gaming Centres 22
11. (Licensed) Family Entertainment Centres 23
12. Casinos 24
13. Bingo premises 25
14. Betting premises 25
15. Tracks 26
16. Travelling fairs 28
17. Provisional Statements 29
18. Reviews 30

Part C - Permits/Temporary and Occasional Use Notices

19. Unlicensed Family Entertainment Centre gaming machine permits 32
20. (Alcohol) Licensed premises gaming machine permits..... 33
21. Prize Gaming Permits..... 34
22. Club Gaming and Club Machines Permits..... 35
23. Temporary Use Notices..... 36
24. Occasional Use Notices 37

Appendices

Appendix 1 List of Consultees..... 38 - 40
Appendix 2 Useful Addresses ..... 41 - 42
Appendix 3 Categories Gaming Machines ..... 43 - 44
Appendix 4 Delegation of Functions..... 45
Appendix 5 Map of District 46

*This Statement of Gambling Policy was approved by Carlisle City Council on ***.*

All references to the "Guidance" refers to the Gambling Commission's Guidance to Local Authorities Version 4 published in October 2012.

Preface

Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting is 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 license premises where gambling is to take place and to license 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

Describe District

The population profile is illustrated below;

Years of Age	0 to 14	15 to 74	75 and over
Total	***	***	***

2.1 A map of the Council's area is included at Appendix 5. The key provided identifies the urban/rural areas.

2.2 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.

2.3 Carlisle City Council consulted widely upon this statement before finalising and publishing. A list of those persons this authority consulted is provided at Appendix 1.

2.4 The Gambling Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;

- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.

2.5 Our consultation took place between 2 July 2012 and 24 September 2012 and we followed the HM Government Code of Practice on Consultation (published July 2008) which is available at: http://www.bis.gov.uk/files/file47158.pdf

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

2.7 The policy was approved at a meeting of the Full Council on******. It was published on our website on 3 January 2013 and advertised in a local newspaper. Copies have been placed in the public libraries of the area as well as being available in the Council Offices **.

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

Name: The Licensing Manager

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

E-mail: licensing@carlisle.gov.uk Tel: 01228 817523

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

3. Declaration

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

4. Responsible Authorities

4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which

is competent to advise the authority about the protection of children from harm. The principles are:

- the need for the body to be responsible for an area covering the whole of the licensing authority's area; and
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group.

4.2 In accordance with the suggestion in the Gambling Commission's Guidance to local authorities, this authority has consulted with both the Cumbria Safeguarding Children Board and Cumbria County Council Children's Services. This Authority considers that Cumbria County Council Children's Services is best able to fulfil the role of advising the Authority about the protection of children from harm for the purposes of Section 157(b) of the Act.

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

5. Interested Parties

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

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

a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,

b) has business interests that might be affected by the authorised activities, or

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

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

5.3 This authority will not apply a rigid rule to its decision making and each case will be decided upon its merits. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at Paragraphs 8.11 to 8.18.

5.4 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

5.5 The Gambling Commission has recommended that the licensing authority states that interested parties may include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they represent a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

5.6 Interested parties can be persons who are democratically elected such as Councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (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. If there are any doubts then please contact the Council's Licensing Department.

6. Exchange of Information

6.1 Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. This authority will normally share the information it holds

about licensed premises with the 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 As per the Gambling Commission's Guidance to Licensing Authorities, this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

7.7 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the Regulatory functions of local authorities.

7.8 Bearing in mind the principle of transparency, this licensing authority's enforcement policy is available upon request to the licensing department.

8. Licensing Authority Functions

Local Authorities

8.1 Licensing Authorities are required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange)
- Maintain registers of the permits and licences that are issued under these functions
- Exercise its powers of compliance and enforcement under the Act, in partnership with the Gambling Commission and other relevant responsible authorities.

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

The Gambling Commission

8.2 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the matter in which gambling is carried out, the effects of gambling and the regulations of gambling generally.

8.3 The Commission has issued guidance under Section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.

8.4 The Commission has also issued Codes of Practice under Section 24 about the way in which facilities for gambling 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
Email: info@gamblingcommission.gov.uk

Part B

Premises Licences

9. General Principles

9.1 Premises licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The licensing authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

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 This licensing authority also notes Gambling Commission guidance on ensuring that betting is the primary activity of a licensed premises. Gaming machines may be available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. Operators will need to demonstrate that betting will continue to be the primary activity of the premise when seeking variations to licenses.

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

- the offer of established core products (including live event pictures and bet range)
- the provision of information on products and events
- the promotion of gambling opportunities and products
- the actual use made of betting facilities
- the size of premises
- the delivery of betting facilities

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

9.6 The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

9.7 This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: "licensing authorities should take particular care in considering applications for multiple licences for a building and those related to a discrete part of a building used for other (non gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gaming where they are prohibited from participating.

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

- Customers should be able to participate in the activities named on the premises licence.

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

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

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

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

7.25

Casinos

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.

Adult Gaming Centre

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

Betting Shops

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence.
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a cafe – the whole area would have to be licensed.

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

9.9 ***Premises "ready for gambling"*** – The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority are satisfied will be ready to be used for gambling in the reasonably near future, considering the scale of the building works or alterations required before the premises are brought into use.

9.10 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

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

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

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

9.13 ***Location*** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted

that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

9.14 ***Planning –*** The Gambling Commission Guidance to Local Authorities states:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the guidance:

7.66 – When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice any action that may be appropriate under law relating to planning or building.

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

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

Licensing Objectives

9.16 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.

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

9.18 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Gambling Commission. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below at Paragraph 15.

9.19 **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.

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

9.20 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes 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 impairment, learning disabilities, alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis.

Conditions

9.21 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.

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

9.23 This licensing authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Gambling Commission's Guidance.

9.24 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.

9.25 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance this licensing authority will consider the impact upon the objective to protect children and other vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

9.26 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;

- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and

- conditions in relation to stakes, fees, winning or prizes.

9.27 ***Door Supervisors*** – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.

9.28 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different premises vary (as per Guidance, Part 33).

9.29 It should be noted that the above paragraphs relate to door supervisors only in relation to premises licences granted under the Gambling Act 2005. Where a premises licence has also been granted under the Licensing Act 2003 in relation to the same premises, there may also be conditions on that licence which relate to door supervisors. The premises licence holder should ensure compliance with those conditions.

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-exclusion schemes – these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

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-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

- Measures/training for staff on how to deal with suspected truant school children on the premises

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 *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.

12.2 *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 who will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.

12.3 *Licence considerations/conditions* – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.

12.4 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

13. Bingo Premises

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

13.1 Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded premises.

13.2 This authority also notes the Guidance at para. 18.8 regarding the unusual circumstances in which the splitting of pre-existing premises into two or more adjacent premises might be permitted, and in particular that it may not permissible to locate all of the category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises may be exceeded.

13.3 Children and young people are allowed into bingo premises; however they are not permitted to participate in bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

13.4 Amusement arcades providing prize bingo will require a prize gaming permit from the Council.

Members' Clubs and Commercial Clubs

13.5 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 day period, 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, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15. 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. As per the Gambling Commission's Guidance, 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-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
- Provision of information leaflets/helpline numbers for organisations such as GamCare

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* - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

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 will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

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* – The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (See Guidance, para 20.28).

15.12 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance, para 20.29).

15.13 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance, para 20.31)

15.14 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (See Guidance, para 20.32).

15.15 This authority appreciates it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on the track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the [plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan (See Guidance, para 20.33).

16. Travelling Fairs

16.1 This licensing authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

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 It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

17. Provisional Statements

17.1 Developers may wish to apply to this authority for a provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

17.2 S204 of the Act provides for a person to make application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

17.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission *(except in the case of a track- delete)* and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

17.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they:

- concern matters which could not have been raised by objectors at the provisional licence stage; or
- reflect a change in the operator's circumstances.

17.6 In addition the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

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:

- 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 The request for a review will also be subject to the consideration by the licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

18.3 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

18.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

18.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:

- Add, remove or amend a licence condition imposed by the licensing authority;
- Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
- Suspend the premises licence for a period not exceeding three months; and
- Revoke the premises licence.

18.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in s153 of the Act, as well as any relevant representations.

18.7 In particular, the licensing authority may also initiate a review of the premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

18.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder;
- The applicant for review (if any);
- The Gambling Commission;
- Any person who made representations;
- The Chief Officer of Police or Chief Constable;
- Her Majesty's Commissioners for Revenues and Customs.

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 does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (s238 of the Act).

19.2 The Act states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance also states "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits ...., licensing authorities will want to give weight to child protection issues" (para, 24.6).

19.3 Guidance also states: "... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (para. 24.7)

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, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (Sched. 7 of the Act) 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 *Automatic entitlement: up to 2 machines* - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The operator of the premises merely needs to notify the licensing authority and pay the prescribed fee. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (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 *Permit: 3 or more machines* - If the operator of alcohol licensed premises wishes to have more than 2 machines, then an application must be made for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance and code of practice issued by the Gambling Commission issued under Section 24 & 25 of the Gambling Act 2005, and "*such matters as they think relevant*."

20.3 This licensing authority considers that "*such matters*" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff 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.

20.4 This licensing authority recognises that some operators of alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

20.5 The licensing authority may decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

20.6 The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

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 proposes to consider in determining the suitability of the applicant for a permit".

21.2 This licensing authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should demonstrate:

- that they understand the limits to stakes and prizes that are set out in Regulations;
- that the gaming offered is within the law;
- clear policies that outline the steps to be taken to protect children from harm.

21.3 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.

21.4 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 (Sched. 14 para. 8(3) of the Act).

21.5 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing g authority cannot attach conditions. The conditions in the Act are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

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. 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.

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

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

25.46 The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit. In doing so it will take account of a number of matters outlined in sections 25.47-25.49 of the Gambling Commission's guidance *(Version 4 due Summer 2012)* These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

The club must be conducted 'wholly or mainly' for the purposes other then gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

22.2 The Guidance also states that licensing authorities may only refuse an application on the grounds that:

- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or
- an objection has been lodged by the Gambling Commission or the police.

22.3 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Sched. 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".

22.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

23. Temporary Use Notices

23.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Event Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

23.2 The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non remote casino operating licence.

23.3 The Secretary of State has power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (The Gambling Act (Temporary Use Notices) Regulations 2007) state that temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where

the gaming is intended to produce a single winner, which in practice means poker tournaments.

23.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of “premises” in Part 8 of the Act is discussed in Part 7 of the Guidance. 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.

23.5 This licensing authority 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, as recommended in the Guidance.

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. This licensing authority will also ensure that no more than eight OUN’s are issued in one calendar year in respect of any venue.

24.2. This licensing authority will adopt a risk based approach to wards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

24.3 Non commercial gaming is permitted if it takes place at a non-commercial event, either as an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- by or on behalf of a charity or for charitable purposes
- to enable participation in, or support of, sporting athletic or cultural activities.

24.4 Charities and community groups should consult this licensing authority on 01********* for further advice.

Appendix 1 – List of Consultees

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

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

BACTA, Alders House, 133 Aldersgate Street, London

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

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

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

British Beer & Pub Association, London

British Casino Association, 38 Grosvenor Gardens, London

British Greyhound Owners Association, Carshalton

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

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

British Transport Police, Citadel Station, Court Square, Carlisle

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

CADAS, 17a West Tower Street, Carlisle

Carlisle City Council – All Members

Carlisle City Council - Chief Executive and all Directors

Carlisle City Council - Website

Carlisle College, Victoria Place, Carlisle

Carlisle Dioceses, Church House, West Walls, Carlisle

Carlisle & District Law Society, Burnetts Solicitors, Carlisle

Carlisle & Eden CDRP, c/o Jane Muller, Associate Director of Public Health

Carlisle District Pub Watch Scheme, North Cumbria Area Police HQ, Durranhill, Carlisle

Carlisle Housing Association – Residents Association, Botchergate, Carlisle

Carlisle Licensed Victuallers, Fantails Restaurant, Wetheral, Carlisle

Casino Operators Association, 3rd Floor, 22 Arlington St, London SW1A 1RD

Chinese Association (Cumbria), Escott Works, Carlisle

Citizens Advice Bureau, 5-6 Old Post Office Court, Devonshire Street, Carlisle

Coral Racing Ltd, 19/21 Station Road, Harold Word, Essex

Cumberland Newspapers, Dalston Road, Carlisle

Cumbria Association of Local Councils, Penrith Library, Penrith CA11 7YA
Cumbria Chamber of Commerce, Enterprise Centre, Carlisle
Cumbria Constabulary, North Cumbria Area Police HQ, Durranhill, Carlisle
Cumbria Constabulary, Chief Constable, Carleton Hall, Penrith
Cumbria Constabulary, Legal Services, Carleton Hall, Penrith
Cumbria County Council - Legal Services
Cumbria County Council - Neighbourhood Development Officer
Cumbria County Council – Business Support, Performance Unit, 5 Portland Sq, Carlisle
Cumbria Fire and Rescue Service, Headquarters, Cockermouth
Cumbria Health & Safety Liaison Group, c/o Emma Brass, Eden District Council
Cumbria Safeguarding Children Board, Children's Services, New Oxford Street, Workington
Cumbria Tourism, Staveley, Kendal
Cumbria Volunteer Bureau, 27 Spencer Street, Carlisle
Done Bros., Spectrum, 56-58 Benson Road, Warrington
Eurobet UK, 10-24 Church Street West, Working, Surrey
European Entertainment, The Park, Wiltshire
Gala Coral Group, Newcastle House, Nottingham
Gamcare, 2nd Floor, 7-11 St John's Hill, London SW11 1TR
Gamestec Leisure Limited, Leeds
Hammonds Solicitors, Rutland House, 148 Edmund Street, Birmingham
Hartleys (Ulverston) Ltd, Ulverston, Cumbria
Health & Safety Executive, 2 Victoria Place, Carlisle
HM Revenue and Customs, Glasgow
Ladbrokes PLC, Rayners Lane, Middlesex
Leisure Link, Wetmore Road, Burton on Trent
Librarian, Brampton Library, 4 Front Street, Brampton
Librarian, Carlisle Library, 11 Globe Lane, Carlisle
Librarian, Longtown Library, Lochinvar Centre, Longtown
Librarian, Morton Public Library, Wigton Road, Carlisle
NHS Trust, Lonsdale Unit, Penrith Hospital, Bridge Lane, Penrith
NRU Betting & Gaming, Portcullis House, 21 India Street, Glasgow

NSPCC, 7 Chatsworth Square, Carlisle

Poppleston Allen, Licensing Solicitors, The Lace Market, Nottingham

Prize Coin Equipment, Central Avenue, Gretna

Racecourse Association Ltd, Winkfield Road, Ascot

Scottish & Newcastle Pub (Enterprises) Ltd, Newcastle

Thwaites Inns, Star Brewery, Blackburn

William Hill Ltd, Wood Green, London

Appendix 2 - Useful addresses

Responsible Authorities

Application forms and fee should be sent to the Licensing Manager

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

Licensing Manager
Governance Directorate
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Tel: 01228 817523
Email: licensing@carlisle.gov.uk

Food Health and Safety Team
Local Environment
Carlisle City Council
Civic Centre
Carlisle
CA3 8QG

Tel: 01228 817349
Email: environmentalhealth@carlisle.gov.uk

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

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

The Police Licensing Officer
Cumbria Constabulary
Civic Centre
Carlisle
CA3 8QG

Tel: 101

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

Tel: 01228 521215
Email: cdivcarlisle.fire@cumbriacc.gov.uk

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

Tel: 01900 325365
Email: SafeguardingAndReview@cumbriacc.gov.uk

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Email: info@gamblingcommission.gov.uk

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
Web: www.beerandpub.com

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

Tel: 01276 684 449
Email: reception@bii.org
Web: www.bii.org

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

Tel: 08457 622 633
Web: www.drc-gb.org

Equity
Guild house
Upper Martins Lane
London
WC2H 9EG

Tel: 0207 379 6000
Email: info@equity.org.uk
Web: www.equity.org.uk

North Cumbria Magistrates Courts Service
Rickergate
Carlisle
CA3 8QH

Tel: 01228 518800

Gamcare
2nd Floor
7-11 St John's Hill
London
SW11 1TR

Tel: 020 7801 7000
Helpline: 0845 6000 133
Email: info@gamcare.org.uk
Web: gamcare.org.uk

Gamblers Anonymous
PO Box 5382
London W1A 6SA

Local Meetings:
7.30pm Monday
Church of Scotland Chapel Street Carlisle
CA1 1JA
www.gamblersanonymous.org.uk/question.htm

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

Web: www.moneyadvicetrust.org/home.html

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

Web: www.cccs.co.uk

Appendix 3 - Categories of Gaming Machines

Category of Machine	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4,000
B2	£100 (in multiples of £10)	£500
B3A	£1	£500
B3	£1	£500
B4	£1	£250
C	£1	£70
D – non-money prize (other than a crane grab machine)	30p	£8
D – non-money prize (crane grab machine)	£1	£50
D – (money prize)	10p	£5
D – combined money and non-money prize (other than a coin pusher or penny falls machine)	10p	£8 (of which no more than £5 may be a money prize)
D – combined money and non-money prize (coin pusher or penny falls machine)	10p	£15 (of which no more than £8 may be a money prize)

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ration of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines),within the total limit of 150 (subject to machine/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 (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casinos)no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of 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 8 machines in category B3 or B4		No limit on category C or D machines	
Adult gaming centres				Maximum of 4 machines in category B3 or B4		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or 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 of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	**B1**	**B2**	**B3**	**B4**	**C**	**D**

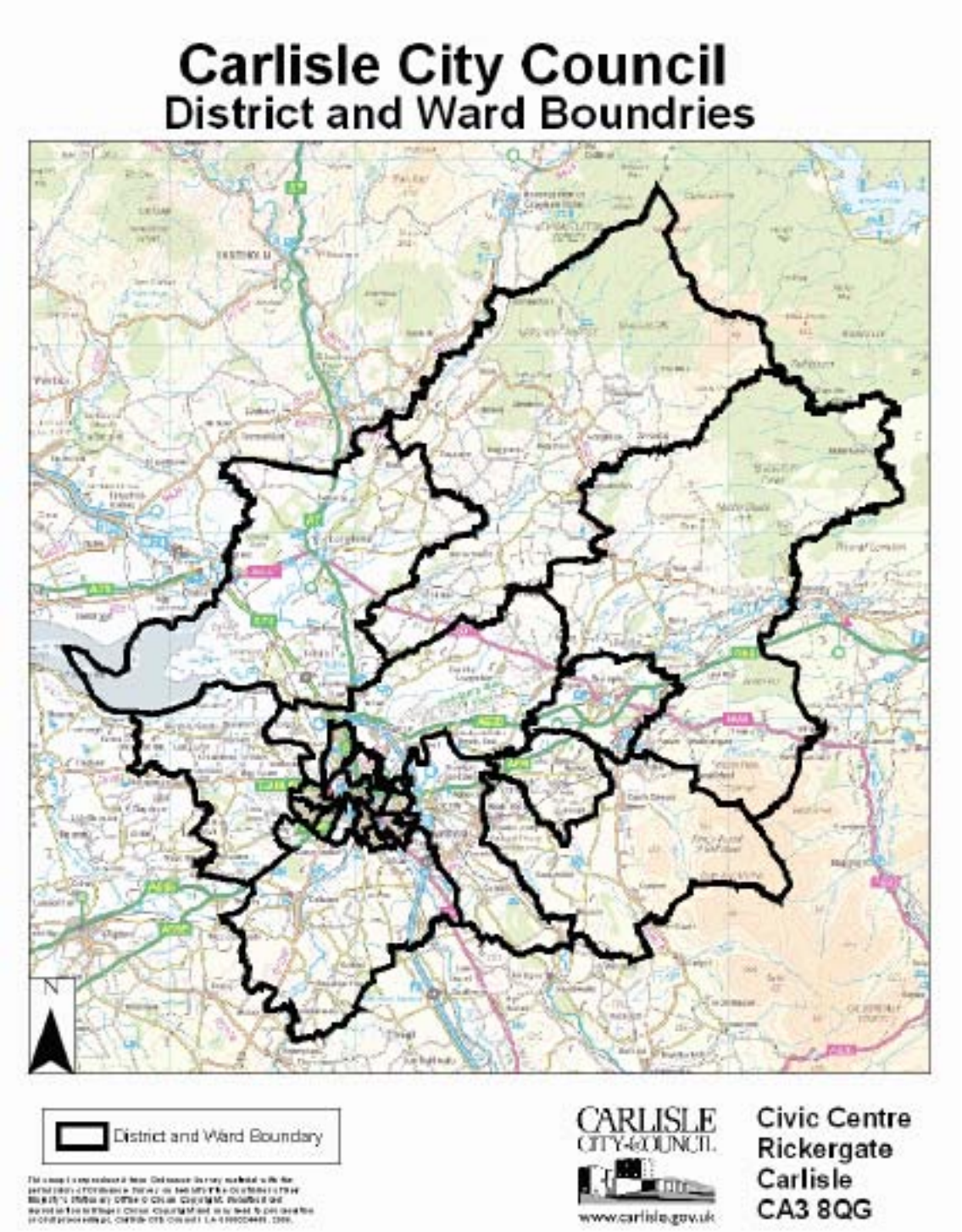
It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D, but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

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 (5 machines or more)	X (up to 4 machines)
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



GAMBLING ACT 2005 – REVIEW OF STATEMENT OF LICENSING POLICY **October 2012**
SUMMARY OF PROPOSED AMENDMENTS TO EXISTING POLICY

Cumbria District Councils – Allerdale, Barrow, Carlisle, Copeland, Eden, South Lakeland

AMENDMENTS BY COUNTY LICENSING MANAGERS PRIOR TO CONSULTATION			
Paragraph number	**Title/description**	**Proposed amendment**	**Reason**
	General	Minor word changes throughout document	To correct inaccuracies
7.5	Enforcement	Para 7.5 - Include information regarding test purchase operations	Advice from LG Regulation
7.4	Premises licence	Para 9.4 - Include the 6 indicators of betting as a primary gambling activity	Advice from LG Regulation
9.8	Premises licences	Para 9.8 - Include betting shops	Omitted from previous policy
18.2	Reviews	Para 8.2 - Insert new paragraph	Advice from LG Regulation
22.1	Club Gaming	Para 22 - Paragraph reworded	In accordance with regulations
24.1	Occasional Use Notice	Para 24 - Include additional wording	Advice from LG Regulation

RESPONSES FOLLOWING CONSULTATION – October 2012			
Doc. No.	**Respondent**	**Proposed amendment**	**Recommendation**
1	Racecourse Association Limited	a) Para 9.13 - Request that we acknowledge that racecourses cannot be transferred to another location. b) Para 9.20 - Councils are asked to ensure that conditions do not exceed those premises licence conditions in mandatory and default conditions. c) Para 9.26 - Do not impose further conditions regarding door supervisors. d) Para 15.9 - Racecourses do not provide betting machines e) Para 15.10 - May not be practical to print rules on race cards but will be displayed in line with conditions f) Para 17.4 - Amend wording as it implies tracks should hold an operating licence to apply for a provisional statement.	a) No action required - Legislation does not allow a transfer of location, a new location would mean a new premises application. b) No action required - We cannot accede to this as a committee hearing may impose additional conditions. c) No action required - We cannot accede to this as a committee hearing may impose additional conditions. d) No action required - Agreed, but licensed operators may provide betting machines on tracks. e) No action required – Noted f) Agreed, wording amended
2	Anonymous telephone	a) Para 13.2 – The eight B3 per Bingo premises no longer applies.	a) Amend para in accordance with regulations.

APPENDIX 'C'

The Racecourse Association Limited
Winkfield Road, Ascot, Berkshire, SL5 7HX

HR/B4D

20 July 2012

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

Dear Mr Messenger,

Gambling Act 2005
Consultation on Statement of Gambling Policy

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

'a' **Location (Paragraph 9.13)** – The proposed location of gambling premises may be taken into account when assessing the application. The Councils are asked to consider that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location.

'b' **Additional Conditions (Paragraph 9.20)** – In certain circumstances the Councils may impose additional conditions on racecourses to ensure the licensing objectives are met. The Councils are asked to ensure that these conditions do not exceed those premises licence conditions outlined in the Premises Licence Mandatory and Default Conditions.

'c' **Door Supervisors (Paragraph 9.26)** – The Councils are asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles, as recognised

in Paragraph 9.28. In line with the stipulation that the Council will seek to avoid duplication with other regulatory regimes, the Councils should not impose any further provisions relating to door supervisors.

'd' **Betting Machines (Paragraph 15.9)** – The Councils are asked to note that racecourses do not hold Operating Licenses and consequently any betting machines on racecourses will be provided by other operators. The racecourses will contractually require these operators to fulfil any conditions with regard to the provision and supervision of these machines.

'e' **Condition on Rules Being Displayed (Paragraph 15.10)** – The Councils should be aware that it may not be practical for racecourses to print examples of the Standard Rules of betting (Tattersalls Rules) in their racecard or in a leaflet form. However, these will be displayed, in line with the Premises Licence Mandatory and Default Conditions.

'f' **Provisional Statements (Paragraph 17.4)** - The wording of this section should be amended, as it currently implies that it will be necessary for tracks to hold an operating licence from the Gambling Commission in order to apply for a provisional statement, rather than confirming that tracks do not require an operating licence to apply for either a provisional statement or a premises licence.

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

Kind Regards,

Holly Cook

Holly Cook
Racecourse Services Coordinator
The Racecourse Association Ltd

cc: Mr R. Clements, Carlisle Racecourse
Ms A. Starkey, Jockey Club Racecourses

GAMBLING POLICY WORKING GROUP

MONDAY 8 OCTOBER 2012 AT 10.00AM

PRESENT: Councillor Bell (Chairman), Councillors Mrs Vasey and Mrs Warwick

GPWG.04/12 APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

GPWG.05/12 DECLARATIONS OF INTEREST

There were no declarations of interest affecting the business to be transacted at the meeting.

GPWG.06/12 GAMBLING ACT 2005 – STATEMENT OF GAMBLING POLICY

The Licensing Manager submitted report GD.55/12 regarding the consultation and publication of the Local Authority Gambling Policy.

The Licensing Manager reminded the Group that the draft consultation document had been approved by the Working Group on 27 June 2012 and the 12 week consultation period ended on 24 September 2012. In addition to the amendments suggested by the County Licensing Managers, two responses had been received.

The consultation took place with a number of statutory organisations and companies in the trade who had been identified as having interests in the area. In addition a number of other organisations or individuals were consulted; a full list of consultees had been included in the report.

The County Licensing Managers Working Group had met on 2 October 212 to consider the results of the consultation. An amended version 3 of the draft Policy had been circulated to the Group with amendments highlighted.

The Group considered the consultation responses and the amendments and

RESOLVED – That the draft Statement of Gambling Policy as attached to report GD.55/12 be referred to the Licensing Committee for approval.

(The meeting ended at 10.15am)

CARLISLE CITY COUNCIL

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

Date of Meeting:- 17 October 2012

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:- **LIVE MUSIC ACT 2012**

Report of:- **DIRECTOR OF GOVERNANCE**

Report reference:- **GD 54/12**

Summary:

The Live Music Act was passed in the House of Commons on 8 March 2012 became law on 1 October 2012. . The Act is designed to reduce restrictions on live music in small venues. Under the Act any venue that qualifies as a 'workplace' for the purpose of health and safety legislation will be free to host live music between 8am and 11pm. For amplified live music there is an audience limit of 200. There is no audience limit for unamplified live music.

Recommendation:-

Members are requested to note the information in this 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:- Live Music Act 2012

To the Chairman and Members of the Licensing Committee on 17 October 2012

1 Background

1.1 This Report advises the Committee of changes to the licensing of regulated entertainment as a result of the Live Music Act 2012. The Live Music Act was passed in the House of Commons on 8 March 2012. The Act is designed to reduce restrictions on live music in small venues.

1.2 Under the Act any venue that qualifies as a 'workplace' for the purpose of health and safety legislation will be free to host live music between 8am and 11pm. For amplified live music there is an audience limit of 200. There is no audience limit for unamplified live music.

1.3 There will be no restriction on the number of musicians allowed to perform. Indeed, most premises licence conditions relating to live music will be suspended if the performance is between 8am and 11pm. However, there will be a few cases where licence conditions will apply, that is if they are imposed following a premises licence review.

2.0 Regulated Entertainment

2.1 In 2005 the Licensing Act 2003 introduced a requirement that there must be a premises licence for 'regulated entertainment' which includes the playing of live music in any venue no matter how small. This was subsequently criticized for reducing the number of places where artists could play to small audiences. In addition there were press stories about how the law unreasonably singled out the playing of musical instruments when compared to other forms of entertainment, such as circus performing.

2.2 To deal with the concerns raised, the Live Music Forum was set up, chaired by Fergal Sharkey. Its report, issued in July 2007, reported that overall "the Licensing Act has had a neutral effect on the UK's live music scene", but recommended there should be more flexibility of the application of the 2003 Act on smaller premises.

2.3 The Live Music Act 2012 responded to the above concerns. This Act started as a Private Members' Bill which was promoted in the House of Commons by the MP Don Foster. For a Private Members' Bill to receive royal assent is a very rare achievement.

2.4 The Act means that the majority of venues in England and Wales with a capacity of under 200 people will no longer need local authority permission to hold performances of live amplified music between the hours of 8am-11pm (i.e. such performances will no longer be licensable). It also removes audience limitations for performances of unamplified live music.

3.0 Detail of deregulation

3.1 The new legislation -

- removes the licensing requirement for unamplified live music taking place between 8am and 11pm in all venues, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate relating to premises authorised to supply alcohol for consumption on the premises

- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons on premises authorised to supply alcohol for consumption on the premises, subject to the right of a licensing authority to impose conditions about live music following a review of a premises licence or club premises certificate

- removes the licensing requirement for amplified live music taking place between 8am and 11pm before audiences of no more than 200 persons in workplaces not otherwise licensed under the 2003 Act (or licensed only for the provision of late night refreshment)

- removes the licensing requirement for the provision of entertainment facilities

- widens the licensing exemption for live music integral to a performance of Morris dancing or dancing of a similar type, so that the exemption applies to live or recorded music instead of unamplified live music.

In the case of premises licensed for the sale of alcohol, the premises must be open for the sale of alcohol during the time that the amplified live music is provided for the exemption/s to take effect.

Any condition attached to the premises licence relating to live music ceases to have effect in respect of the live music unless the Licensing Authority states otherwise on the licence pursuant to a Licensing Sub-Committee Review hearing.

4.0 Licensing Implications

4.1 The Licensing Section will need to undertake additional work in order to implement the requirements of the Live Music Act. For example, both our guidance literature for applicants and application forms will need to be updated to reflect the changes. In addition at some point in the future our Licensing Policy will need to be updated.

4.2 There are also repercussions that need to be kept in mind in relation to the implementation of the Act. The ability of the Licensing Authority to add conditions to a premises licence to prevent public nuisance arising out of the provision of live music that takes place between 8am and 11pm will be reduced.

4.3 The changes will allow an increase in the provision of unregulated live music with the only remedy for residents disturbed by the noise being the Council's

Environmental Health Section or calling for a review of the licence if the premises holds a licence under the Licensing Act 2003. With this in mind the Live Music Act may increase the workload of the Council's Environmental Health section.

4.4 Licence holders will possibly ask for guidance as to how a venue will prove audience size, given that the majority of licensed premises in do not have a capacity limit on their premises licence.

4.5 The occupancy figures were normally based on the fire certificates issued under the Fire Precautions Act 1971; such certificates used to be issued to large premises, hotels, etc. However, with the introduction of the Regulatory Reform (Fire Safety) Order 2005 all previous fire safety legislation was repealed. Everything is now down to fire risk assessment and self compliance; premises are obliged to carry out a suitable and sufficient fire risk assessment. The assessment must be undertaken by a competent person. This assessment will include working out safe occupancy levels. In some instances proprietors of reasonably small premises may, (after reading the information in the Regulatory Reform (Fire Safety) Order guide on the Government website), feel confident enough to do the fire risk assessment themselves. We will liaise with Cumbria Fire and Rescue Service in this regard.

5 Recommendations

5.1 Members are requested to note the information in this report.

Prepared by:

J A Messenger

Licensing Manager