

# LICENSING COMMITTEE AGENDA



**Wednesday 28<sup>th</sup> June 2006**

**at 10.00 am**

**in the Council Chamber**

**MEMBERS: LICENSING COMMITTEE:**

Councillors S Allison, Brash, R Cook, S Cook, Griffin, Hall, Jackson, Johnson, Kaiser, Lilley, Morris, Rayner, Tumilty and Worthy.

**1. APOLOGIES FOR ABSENCE**

**2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**

**3. MINUTES**

- 3.1 To confirm the Licensing Committee minutes of the meeting held on 7<sup>th</sup> June 2006 (*attached*)

**4. ITEMS REQUIRING DECISION**

- 4.1 Hackney Carriage Tariffs – Annual Review – *Head of Public Protection and Housing*  
4.2 Statement of Licensing Principles – Gambling Act 2005 – *Head of Public Protection and Housing*  
4.3 Application for Street Trading Consent – Car Park Adjacent to Allied Carpets/Comet – *Head of Public Protection and Housing*

**5. ITEMS FOR INFORMATION**

- 5.1 Quarterly report on Licensing Act Sub Committees and Hackney Carriage and Private Hire Sub Committees Activity – *Assistant Chief Executive*

**6. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

# **LICENSING COMMITTEE**

## **MINUTES AND DECISION RECORD**

7<sup>th</sup> June 2006

### **Present:**

Councillor George Morris (In the Chair)

Councillors: Jonathan Brash, Rob Cook, Sheila Griffin, Gerard Hall,  
Mick Johnson, Pat Rayner and Victor Tumilty.

Officers: David Cosgrove, Principal Democratic Services Officer

### **1. Apologies for Absence**

Apologies were received from Councillor Steve Allison, Shaun Cook, Peter Jackson, Stan Kaiser, Geoff Lilley and Gladys Worthy.

### **2. Declarations of interest by members**

None.

### **3. Confirmation of the minutes of the meeting held on 12<sup>th</sup> April and 19<sup>th</sup> April 2006**

Confirmed.

### **4. Report on the Sub-Committee Memberships** (*Assistant Chief Executive*)

#### **Purpose of report**

To re-appoint and fill vacancies in the Licensing Act Sub Committees and Hackney Carriage and Private Hire Sub Committees.

#### **Issue(s) for consideration by the Committee**

Following the recent elections and changes to the membership of the Licensing Committee some amendments to the sub-committee memberships were required. There are five Licensing Act Sub-Committees of three members each and three Hackney Carriage and Private Hire Licensing Sub-Committees of five members each. At least two political parties should be represented on each Sub-Committee.

Particular attention was drawn to the need for appropriate training for the newly appointed Licensing Committee members. This would be arranged as soon as practicable. Members requested that the training be open for existing Members also to act as refresher training.

**Decision**

- (a) That the chairs and memberships of the Licensing Act Sub-Committees be confirmed as follows:

Licensing Act Sub Committee 1 – Councillors Lilley (Ch.), Worthy and S Allison

Licensing Act Sub Committee 2 – Councillors R. Cook (Ch.), Rayner and Vacancy

Licensing Act Sub Committee 3 – Councillors Griffin (Ch.), Jackson and Johnson

Licensing Act Sub Committee 4 – Councillors Tumilty (Ch.), Hall and Kaiser

Licensing Act Sub Committee 5 – Councillors Brash (Ch.), Morris and S Cook

- (b) That the chairs and memberships of the Hackney Carriage and Private Hire Licensing Sub-Committees be confirmed as follows:

Hackney Carriage and Private Hire Licensing Sub Committee 1 – Councillors Kaiser (Ch.), Hall, Jackson, S Allison, and Vacancy

Hackney Carriage and Private Hire Licensing Sub Committee 2 – Councillors Morris (Ch.), Griffin, Tumilty, Brash and S Cook

Hackney Carriage and Private Hire Licensing Sub Committee 3 – Councillors R. Cook (Ch.), Lilley, Rayner, Worthy and Johnson

DR G MORRIS

CHAIRMAN

**Report of:** Head of Public Protection and Housing

**Subject:** HACKNEY CARRIAGE TARIFFS – ANNUAL REVIEW

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**1. PURPOSE OF REPORT**

- 1.1 To consider a proposal to increase Hackney Carriage tariffs.

**2. BACKGROUND**

- 2.1 At your meeting held on 11<sup>th</sup> December 2002, it was agreed that there would be an annual review of Hackney Carriage tariffs following the consideration and recommendations of the Hackney Carriage/Private Hire Vehicle Owners Working Group.
- 2.2 At a meeting of the above group on 7<sup>th</sup> March 2006 a proposal to alter tariffs was agreed.
- 2.3 The present tariffs (as set out in Appendix I) were introduced in July 2005 with a minor additional amendment to timings made in September 2005.

**3. ISSUES**

- 3.1 The proposal is to make a number of amendments to both the initial charge incurred at the time of hire (i.e. the 'flag fall') and the meter charge for additional yardage travelled during the journey. Full details of the proposed tariffs are attached as Appendix II.
- 3.2 The most significant change to the tariffs is the proposal to increase the 'flag fall' from £1.90 to £3.00 after 11:30 p.m. This is in response to consultation with the trade that highlighted that for many drivers, the income generated under current tariffs is insufficient to compensate for the difficult and often hostile working environment caused by drunken and abusive passengers during Friday and Saturday nights.
- 3.3 This proposal is supported by the Safer Hartlepool Partnership which has been examining issues surrounding alcohol fuelled anti-social behaviour in the town centre. Research from a variety of sources, including a report commissioned by Hartlepool Borough Council, has highlighted that a shortage of taxis late at night is a contributory factor to some disorder.
- 3.4 The proposal also includes the introduction of a tariff 4 to formalise the current allowance for an additional £2 charge on 'special days' such as Christmas Day

and New Years Day. At present, drivers must ask passengers to pay this additional £2 fare although it is not displayed on the meter. Understandably this can on occasion cause friction with passengers who do not understand why they are being asked to pay more than the price displayed on the meter. It is believed that by creating a specific tariff for 'special days' whereby the £2 extra charge will be displayed on the meter this problem should be avoided.

- 3.5 The general increase in all tariffs has been proposed in response to rising fuel charges and competition from Private Hire operators, whose charges are not regulated by Hartlepool Council.
- 3.6 The effect of the proposed increases on a typical 2 mile journey travelled during different times of the day is attached as Appendix III.
- 3.7 Any decision to change tariffs must be published in the local press prior to implementation and should any objections be received, the matter would be brought back to committee for further consideration.
- 3.8 Any decision by Members on hackney carriage tariffs must strike a balance between value for money expected by the travelling public and a fair and reasonable return for the taxi proprietors.
- 3.9 Given that the current tariffs in Hartlepool are generally low, and taking into consideration the continuing rise in petrol and diesel prices, the increase would appear reasonable.

#### **4. RECOMMENDATIONS**

- 4.1 That Members approve the suggested amendments to the current tariffs as contained in Appendix III, to have effect from 25<sup>th</sup> September 2006.

**HACKNEY CARRIAGE FARES 2005/6**  
**Local Government (Miscellaneous Provisions) Act 1976 Section 65**

**FARES FOR DISTANCE**

**MILEAGE**

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2) and (3): -
- |  |      |
|--|------|
| If the distance does not exceed 880 yards or 804.5 metres                  | 190p |
| If the distance exceeds 880 yards or 804.5 metres:-                        |      |
| For the first 880 yards or 804.5 metres                                    | 190p |
| For each subsequent 290 yards or 265.06 metres or uncompleted part thereof | 10p  |
- (2) For all hirings begun between 6.30 am and 11.30 pm on Sundays, between 6.30 am and 9 am and 5 pm and 11.30 pm on any day other than those shown at (3): -
- |   |      |
|---|------|
| If the distance does not exceed 384 yards or 351 metres                   | 190p |
| If the distance exceeds 384 yards or 351 metres:-                         |      |
| For the first 384 yards or 351 metres                                     | 190p |
| For each subsequent 180 yards or 164.5 metres or uncompleted part thereof | 10p  |
- [3] For all hirings begun between 11.30 pm and 6.30 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December: -
- |   |      |
|---|------|
| If the distance does not exceed 320 yards or 292.5 metres               | 190p |
| If the distance exceeds 320 yards or 292.5 metres:-                     |      |
| For the first 320 yards or 292.5 metres                                 | 190p |
| For each subsequent 140 yards or 128 metres or uncompleted part thereof | 10p  |

**WAITING TIME**

- (a) For all hirings shown at (1) and (2) under MILEAGE
- |   |     |
|---|-----|
| For each period of one minute or uncompleted part thereof | 10p |
|---|-----|
- (b) For all hirings shown at (3) under MILEAGE
- |   |     |
|---|-----|
| For each period of up to 40 seconds or uncompleted part thereof | 10p |
|---|-----|

**SPECIAL DAYS** – An extra charge of £2.00 will be charged in addition to the mileage on the following days.

7pm 24 December – 6.30 am 27 December  
 7pm 31 December – 6.30 am 2 January

**FARES FOR TIME** - Provided that when a Hackney Carriage is hired by time, such fares shall

be agreed with the hirer at the commencement of the hire.

**SOILING CHARGE** - £20.00

**MR R HARRISON**  
**HEAD OF PUBLIC PROTECTION**

**PROPOSED TARIFFS 2006/7****HACKNEY CARRIAGE FARES**

Local Government (Miscellaneous Provisions) Act 1976 Section 65

**FARES FOR DISTANCE****MILEAGE**

- (1) For hirings begun between 9 am and 5 pm on any day other than Sundays and those shown at (2) and (3): -
- |  |      |
|--|------|
| If the distance does not exceed 880 yards or 804.5 metres                  | 190p |
| If the distance exceeds 880 yards or 804.5 metres:-                        |      |
| For the first 880 yards or 804.5 metres                                    | 190p |
| For each subsequent 290 yards or 265.06 metres or uncompleted part thereof | 15p  |
- (2) For all hirings begun between 6.30 am and 11.30 pm on Sundays, between 6.30 am and 9 am and 5 pm and 11.30 pm on any day other than those shown at (3): -
- |   |      |
|---|------|
| If the distance does not exceed 384 yards or 351 metres                   | 190p |
| If the distance exceeds 384 yards or 351 metres:-                         |      |
| For the first 384 yards or 351 metres                                     | 190p |
| For each subsequent 180 yards or 164.5 metres or uncompleted part thereof | 15p  |
- [3] For all hirings begun between 11.30 pm and 6.30 am and all hirings on any Bank Holiday or Public Holiday and all hirings on 24 and 31 December: -
- |   |      |
|---|------|
| If the distance does not exceed 320 yards or 292.5 metres               | 300p |
| If the distance exceeds 320 yards or 292.5 metres:-                     |      |
| For the first 320 yards or 292.5 metres                                 | 300p |
| For each subsequent 180 yards or 128 metres or uncompleted part thereof | 15p  |
- [4] For all hirings begun between 7pm on 24<sup>th</sup> December and 0630 am on 27<sup>th</sup> December and between 7 pm on 31<sup>st</sup> December and 0630 am on 2<sup>nd</sup> January: -
- |   |      |
|---|------|
| If the distance does not exceed 320 yards or 292.5 metres               | 500p |
| If the distance exceeds 320 yards or 292.5 metres:-                     |      |
| For the first 320 yards or 292.5 metres                                 | 500p |
| For each subsequent 180 yards or 128 metres or uncompleted part thereof | 15p  |

**WAITING TIME**

- (a) For all hirings shown at (1) and (2) under MILEAGE  
For each period of one minute or uncompleted part thereof 10p
- (b) For all hirings shown at (3) and [4] under MILEAGE  
For each period of up to 40 seconds or uncompleted part thereof 10p

**FARES FOR TIME** - Provided that when a Hackney Carriage is hired by time, such fares shall be agreed with the hirer at the commencement of the hire.

**SOILING CHARGE** - £20.00

**MR R HARRISON**  
HEAD OF PUBLIC PROTECTION

## Appendix III

Comparison of costs for 2 mile hackney carriage journey

Time of Journey	2005/6 (£)	Proposed Tariff (£)
08:00	3.70	4.60
15:00	2.90	3.40
23:30	4.20	5.70

**Report of:** Head of Public Protection and Housing

**Subject:** STATEMENT OF LICENSING PRINCIPLES –  
GAMBLING ACT 2005

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## **1. PURPOSE OF REPORT**

- 1.1 To consider a draft Statement of Licensing Principles for the Gambling Act 2005.

## **2. BACKGROUND**

- 2.1 As highlighted in a report to Licensing Committee on 19<sup>th</sup> April 2006, Hartlepool Council will assume responsibility for the licensing of gambling premises from 1<sup>st</sup> September 2007, with licence applications being submitted from 1<sup>st</sup> February 2007.
- 2.2 The definition of gambling premises includes betting shops, amusement arcades, bingo halls and other premises used for similar activities such as public houses with amusement machines.
- 2.3 It is estimated that there may be approximately 300 gambling premises that will require a new licence from Hartlepool Council.
- 2.4 One requirement of the Gambling Act 2005 is that licensing authorities publish a 'Statement of Principles' that they propose to apply in exercising their licensing functions under the Act. The 'Statement of Principles' will last for a maximum of three years but can be reviewed at any time.
- 2.5 Guidance on what must be contained in a Statement of Principles has been provided in both the Gambling Act and by the Gambling Commission.
- 2.6 Licensing authorities are required to consult the following on the Statement of Principles: -
- 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; and
  - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act. This is likely to include:
    - 1) A wide range of organisations including faith groups, voluntary and community organisations working with children and young people,

organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations such as Citizen's Advice Bureau and Trade Unions.

- 2) Consultation with other tiers of local government
  - 3) Consultation with businesses who are, or will be, holders of premises licences
  - 4) Consultation with responsible authorities named under the Act
- 2.7 A draft Statement of Licensing Principles has been prepared which closely follows guidance issued by the Local Authority Co-ordinating Body for Regulatory Services (LACORS) and is attached as Appendix I.
- 2.8 The Statement must be approved by both Cabinet and full Council and published no later than 3<sup>rd</sup> January 2007.
- 2.9 The timetable for implementation of the Gambling Act, and adoption of the Statement of Principles, is attached as Appendix II.

### **3. ISSUES**

- 3.1 If approved by Members, it is proposed that the Statement of Principles be circulated for consultation immediately. This consultation will include consideration by Neighbourhood Services Scrutiny Panel.
- 3.2 Following consultation it is proposed that a final draft of the Statement be presented to Cabinet in September 2006 and to full Council in October 2006.
- 3.3 Whilst the majority of the contents of the Statement of Principles follow national guidelines there is an opportunity for the Council to make a resolution that it will not grant any premises licence for a casino. Full Council must make any such decision.
- 3.4 The draft Statement of Principles attached as Appendix I does not include such a resolution. Whilst no expression of interest has been received from any casino operator, Members may feel that it would be more appropriate to consider any future application on its individual merits rather than adopt a policy effectively preventing such applications.
- 3.5 Additionally, licensing authorities may include in the Statement of Principles an indication of areas where it considers gambling premises should not be located. Members may wish to consider whether any such areas should be included in this Statement.

### **4. RECOMMENDATIONS**

- 4.1 That Members approve the draft Statement of Principles as contained in Appendix I as a basis for consultation.



**HARTLEPOOL BOROUGH COUNCIL**

**STATEMENT OF PRINCIPLES**

**GAMBLING ACT 2005**

**JUNE 2006**

## Gambling Act 2005

### Contents

Item	Page
<b>Part A</b>	
1. The licensing objectives	3
2. Introduction	3
3. Declaration	4
4. Responsible Authorities	5
5. Interested parties	5
6. Exchange of information	6
7. Enforcement	6
8. Licensing authority functions	7
<b>Part B - Premises licences</b>	
1. General Principles	8
2. Adult Gaming Centres	12
3. (Licensed) Family Entertainment Centres	12
4. Casinos	13
5. Bingo	13
6. Betting premises	14
7. Tracks	14
8. Travelling fairs	16
9. Provisional Statements	16
10. Reviews	16
<b>Part C - Permits / Temporary and Occasional Use Notices</b>	
1. Unlicensed Family Entertainment Centre gaming machine permits	17
2. (Alcohol) Licensed premises gaming machine permits	18
3. Prize Gaming Permits	19
4. Club Gaming and Club Machines Permits	19
5. Temporary Use Notices	20
6. Occasional Use Notices	21
<b>Part D – Additional Information</b>	
Delegation of Functions	22
Useful Contacts	23

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

*Similarly, the Statement of Principles refers on a number of occasions to actions that are due to take place as part of the consultation process. Where appropriate such references will be amended or removed from the final published Statement.*

## PART A

### 1. The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, 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

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".

This licensing authority is aware that, as per Section 153, 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

### 2. Introduction

Hartlepool is situated on the North East coast of England. The Borough consists of the town of Hartlepool and a number of small outlying villages. The total area of the Borough is 9,390 hectares.

Hartlepool is a unitary authority, providing a full range of services. It adjoins Easington District Council to the north, Sedgefield District Council to the west and Stockton on Tees Borough Council to the south. The residential population is 90,161 of which ethnic minorities comprise 1.2% (2001 census).

Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles that they propose 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.

*Hartlepool Council consulted widely upon this statement before finalising and publishing. A list of those persons consulted is provided below. It should be noted that unsolicited comments were received from other persons but none of these have been listed.*

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.

*List of persons this authority consulted:*

- *The police*
- *Social Services*
- *Local trade association*

## 42 APPENDIX I

- *Residents associations*

Our consultation took place between x date and x date and we followed the Revised Code of Practice (which came into effect in April 2004) and the Cabinet Office Guidance on consultations by the public sector.

These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>

<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

The full list of comments made and the consideration by the Council of those comments is available by request to:

Licensing Team  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523354

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

*The policy was approved at a meeting of the Full Council on X date and was published via our website on x date. Copies were placed in the public libraries of the area as well as being available in the Civic Centre.*

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

Licensing Team  
Hartlepool Borough Council  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523354

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

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

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

#### **4. Responsible Authorities**

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.

In accordance with the suggestion in the Gambling Commission's Guidance for local authorities, this authority designates the Local Safeguarding Children Board for this purpose.

The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing)

#### **5. Interested parties**

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)"

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

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at 8.14 and 8.15. It will also consider the Gambling Commission's Guidance that "business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

The Gambling Commission has recommended that the licensing authority states that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission Guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have 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.

Interested parties can be persons who are democratically elected such as councillors and MPs. No specific evidence of being asked to represent an interested person will be required so long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected, will be considered

to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) represents someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the licensing department.

## **6. Exchange of Information**

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 the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

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

*Should any protocols be established as regards information exchange with other bodies then they will be made available. Discussions with the Gambling Commission and LACORS as regards information exchange between the Commission and local authorities are, at the time of writing at an early stage*

## **7. Enforcement**

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 under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities 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.

As per the Gambling Commission's Guidance for local authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority will also, as recommended by the Gambling Commission's Guidance for local authorities, adopt a risk-based inspection programme. Whilst the Gambling Commission's Guidance

## 42 APPENDIX I

suggests that the criteria the authority will utilise in this respect are included in this statement, this has not been possible. At the time of writing the Gambling Commission has not published its risk criteria, nor are regulations such as mandatory / default conditions published, nor Codes of Practice. *LACORS is working with the Gambling Commission to produce a risk model for premises licences and this authority will consider that model once it is made available.*

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

This licensing authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, this licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing department. Our risk methodology will also be available upon request.

### 8. Licensing Authority functions

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

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all. This will fall to the Gambling Commission via operating licences.

*(A definitive list of licensable activities has been requested from the Gambling Commission and will be placed here once provided)*

## PART B PREMISES LICENCES

### 1. General Principles

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

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.

It is appreciated that as per the Gambling Commission's Guidance for local authorities "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a licensing authority.

**Definition of "premises"** - Premises is defined in the Act as "any place". Different premises licences cannot apply in respect of a single premises at different times. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. Whether different parts of a building can properly be regarded as being separate premises will always be a question of fact in the circumstances. However, the Gambling Commission does not consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises.

This licensing authority takes particular note of the Gambling Commission's Guidance for local authorities which states that:

- Licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area.
- Licensing authorities should pay particular attention to applications where access to the licensed

## 42 APPENDIX I

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

It should also be noted that an applicant cannot obtain a full premises licence until the premises in which it is proposed to offer the gambling are constructed. The Gambling Commission has advised that reference to "the premises" are to the premises in which gambling may now take place. Thus a licence to use premises for gambling will only be issued in relation to premises that are ready to be used for gambling. This authority agrees with the Gambling Commission that it is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence. The Gambling Commission emphasises that requiring the building to be complete ensure that the authority can, if necessary, inspect it fully, as can other responsible authorities with inspection rights.

***Location*** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives can. As per the Gambling Commission's Guidance for local 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.

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

***Licensing objectives*** - 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.

**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, where an area has 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

## 4.2 APPENDIX I

assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.

**Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission has stated that it would generally not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

**Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This licensing authority has noted the Gambling Commission's Guidance for local authorities states that 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, as suggested in the Gambling Commission's Guidance, 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 will also make itself aware of the Codes of Practice which the Gambling Commission issues as regards this licensing objective, in relation to specific premises such as casinos.

As regards the term "vulnerable persons" it is noted that the Gambling Commission is not seeking 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 gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs." This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

**Conditions** - Any conditions attached to licences will be proportionate and will be:

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

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 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 way in which the licensing objectives can be met effectively.

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.

## 42 APPENDIX I

This authority will also ensure that where category C 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.

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 third licensing objective 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.

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

- any condition on the premises licence that 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.

**Door Supervisors** - The Gambling Commission advises in its Guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. This licensing authority may detail specific requirements for door supervisors working at casinos. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

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

## **2 Adult Gaming Centres**

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.

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
- Supervision of entrances / machine areas
- Physical separation of areas

## **3. (Licensed) Family Entertainment Centres:**

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.

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:

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

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

This licensing authority will, as per the Gambling Commission's guidance, refer to the 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. This licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

#### **4. Casinos**

*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.

*Casinos and competitive bidding* - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with any regulations / codes of practice issued under the Gambling Act 2005.

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

*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.

#### **5. Bingo premises**

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

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

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the

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

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

## **6. Betting premises**

*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.

## **7. Tracks**

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

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.

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

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

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

*Betting machines* - This licensing authority will, as per 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 wants to offer. It will also take note of the Gambling Commission's suggestion that licensing authorities will want to consider restricting the number and location of such machines in respect of applications for track betting premises licences.

*Condition on rules being displayed* - The Gambling Commission has advised in its Guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules 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."

*Applications and plans* - This licensing authority awaits regulations setting-out any specific requirements for applications for premises licences but is in accordance with the Gambling Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license they should, in their licensing policies, set out the information that they will require, which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring") and in the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities." and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."

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

## **8 Travelling Fairs**

It will fall to this licensing authority to decide 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.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, 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.

## **9. Provisional Statements**

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

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant's circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- (a) which could not have been raised by objectors at the provisional licence stage; or
- (b) which is in the authority's opinion reflect a change in the operator's circumstances.

This authority has noted the Gambling Commission's Guidance that "A licensing authority should not take into account irrelevant matters.... One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal."

## **10. Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of licensing policy.

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

### PART C Permits / Temporary & Occasional Use Notice

#### 1. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

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 (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance for local authorities 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." (24.6)

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. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

Statement of Principles: 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

## 4.2 APPENDIX I

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. 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 (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.

### 2 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and "*such matters as they think relevant.*" This licensing authority considers that "such matters" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed 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 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.

It is recognised that some 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.

It should be noted that the licensing authority can decide to grant the application with a smaller

## 4.2 APPENDIX I

number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that 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.

### 3. Prize Gaming Permits - (Statement of Principles on Permits - Schedule 14 paragraph 8 (3))

The Gambling Act 2005 states that a licensing authority may "prepare a statement of principles that they propose to apply in exercising their functions under this Schedule" which "may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit".

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 be able to demonstrate:

- (a) that they understand the limits to stakes and prizes that are set out in Regulations; and that the gaming offered is within the law.

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.

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

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

### 4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming machines permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set-out in forthcoming regulations. A Club Gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission Guidance states: "Members clubs must have at least 25 members and be

## 42 APPENDIX I

established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The Commission Guidance also notes that "licensing authorities may only refuse an application on the grounds that:

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

There is also a 'fast-track' procedure available under the Act for premises that hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the ground 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.

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.

### 5. Temporary Use Notices

There are a number of statutory limits as regards temporary use notices. Gambling Commission Guidance is noted that "The meaning of "premises" in part 8 of the Act is discussed in Part 7 of this 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... This is a new permission and licensing authorities should be ready to 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."

#### **6. Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 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.

42  
**APPENDIX I**

**PART D**

**SUMMARY OF LICENSING AUTHORITY DELEGATIONS PERMITTED UNDER  
THE GAMBLING ACT**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Sub-Committee of Licensing Committee</b>	<b>Officers</b>
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licence		Where representations have been received and not withdrawn	Where no representations received/representation s have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representation s 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/representation s have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

**CONTACT DETAILS/ADVICE & GUIDANCE**

Further details regarding the licensing application process, including application forms can be obtained from:

The Licensing Team  
Hartlepool Borough Council  
Civic Centre  
Victoria Road  
Hartlepool  
TS24 8AY

Tel No: 01429 523354  
Fax No: 01429 523308  
Email: [licensing@hartlepool.gov.uk](mailto:licensing@hartlepool.gov.uk)  
Web Site: [www.hartlepool.gov.uk/licensing](http://www.hartlepool.gov.uk/licensing)

*(Additional contact details will be provided here as appropriate)*

# GAMBLING LICENSING

## PROPOSED TIMETABLE FOR ADOPTION

May 06	Government Guidance published
June 06	LACORS model Statement of Principles published
28 June 06	Draft Statement of Principles presented to Licensing Committee
July/August 06	Full consultation, including Neighbourhood Services Scrutiny
Sept 06	Report to Cabinet (provisional)
Oct 06	Report to Council (provisional)
Jan 31 2007	Gambling Statement of Principles formally published
1 <sup>st</sup> Feb 2007	First day for applications to be made
1 <sup>st</sup> Sep 2007	Act takes effect

**Report of:** Head of Public Protection and Housing

**Subject:** APPLICATION FOR STREET TRADING CONSENT –  
CAR PARK ADJACENT TO ALLIED CARPETS/COMET

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## **1. PURPOSE OF REPORT**

- 1.1 To consider an application for a Street Trading Consent in the car park adjacent to Allied Carpets/Comet in the Stranton area.

## **2. DETAILS OF APPLICATION**

Applicant: Christopher Wright  
4 Norfolk Close  
Hartlepool  
TS25 1TW

Location details: Car park adjacent to Allied Carpets/Comet in the Stranton area

Permissions requested: - Fast food i.e.burgers, hot dogs, bacon & egg buns and chips

Times requested: - Monday – Friday 0900 until 1500

## **2. BACKGROUND**

- 2.1 On 2<sup>nd</sup> March 2005 it was resolved that parts of the Local Government (Miscellaneous Provisions) Act 1982 be adopted to have the effect of requiring permissions to be obtained for street trading in Hartlepool.
- 2.2 Anyone wishing to trade from any street in Hartlepool, except a prohibited street, is required to obtain from the Council a Street Trading Licence or a Street Trading Consent.
- 2.3 An application for a Street Trading Consent has been received from Mr Christopher Wright concerning a proposed trading site at the car park adjacent to Allied Carpets/Comet.
- 2.4 Following a consultation period an objection was received to the application from the Councils Neighbourhood Manager (Appendix I).

- 2.5 Mr Wright has previously made another application for Street Trading and was granted consent to trade at an alternative location in Hartlepool. However, Mr Wright has indicated that his current street trading location is not viable and he would like to proceed with this application.

### **3. ISSUES**

- 3.1 The reasons for objection are:-

- This is a conservation area which is about to be renovated by NDC
- Problems associated with traffic and litter
- The area is privately owned
- There is sufficient fast food provision in the area and in close proximity i.e. McDonalds

- 3.2 Mr Wright has submitted formal written permission to trade in the car park from the landowner i.e. Comet (Appendix 2).

### **4. RECOMMENDATIONS**

- 4.1 Subject to any further comments from Mr Wright and/or the Neighbourhood Manager that Members refuse the application for a Street Trading Consent.

Denise Ogden/HBCDomino

16/03/2006 17:27

To Licensing/HBCDomino@HBCDOMINO

cc Jane Kett/HBCDomino@hbcdomino, Nicola  
Purdy/HBCDomino@HBCDOMINO,  
paul.hanson@CLEVELAND.PNN.POLICE.UK, Peter

bcc

Subject Re: Street Trading - STC037 Christopher Wright

Hi

I would strongly object to the approval of this grant being issued, for a number of reasons

1. This is a conservation area, which is about to be renovated by NDC commercial premises (speak to andrwe golightly/julia pinchen)
2. There are already a number of problems associated with traffic and litter in the area, which is takes considerable resources already (it is a regular item raised at the central forum by Stranton Ward Councillors
3. I believe the area in question is private land (owned by Camerons) and not under the ownership of the authority.
4. Macdonalds is over the road, so there is sufficient fast food provision in the area

Denise Ogden  
tel. 855560



Comet  
Burn Road  
Hartlepool  
01429 223004

**To Whom It May Concern:**

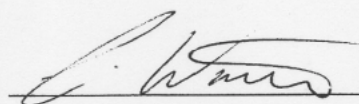
We give permission for the food van to be parked to the left of our car park, provided that:

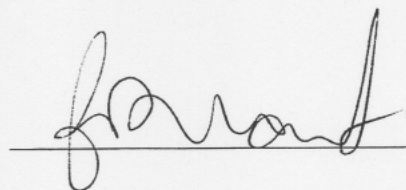
- Any litter generated as a result of the van is cleaned up by the owner.
- Should we request the van to be moved for whatever reason, it should be done without query, this may include peak times such as Christmas and Bank Holidays
- The owners should have all necessary licences from the local council
- The van must not obstruct entrance or exits to our car park in any way
- Requests from store management must be met without hostility

As long as the above is adhered to we cannot see a problem with the van being there.

Regards  
Management Comet Hartlepool

Signed:

 (owner)

 (Comet)

## **LICENSING COMMITTEE**

28 June 2006



**Report of:** Assistant Chief Executive

**Subject:** QUARTERLY REPORT ON LICENSING ACT SUB COMMITTEES AND HACKNEY CARRIAGE AND PRIVATE HIRE SUB COMMITTEES ACTIVITY

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### **1. PURPOSE OF REPORT**

To update Members on the work undertaken by the five Licensing Act Sub Committees and the three Hackney Carriage and Private Hire Licensing Sub Committees.

### **2. BACKGROUND**

The Licensing Committee at its meeting on 15 March 2006 (Minute No. 61 refers) agreed to receive quarterly reports on the work of the sub committees when establishing the new Hackney Carriage and Private Hire Licensing Sub-Committees.

Attached as appendices to the report are tables setting out briefly the work undertaken by the sub committees since March 2006. From the tables Members will see that the Licensing Act Sub Committees have considered only 1 application, a review, while the Hackney Carriage and Private Hire Licensing Sub-Committees have considered 10 driver applications in the same period.

As this report is for Members information only, there are no specific risk implications or financial or legal considerations to report.

### **3. RECOMMENDATIONS**

That Members note the report and the information set out in the two appendices.

**6. REASONS FOR RECOMMENDATIONS**

The report is for Members information only in compliance with the decision of the committee on 15 March 2006

**7. BACKGROUND PAPERS**

Minutes of Licensing Committee held on 15 March 2006

Published minutes of the Licensing Act Sub Committees and the Hackney Carriage and Private Hire Licensing Sub-Committees held since March 2006.

**8. CONTACT OFFICER**

David Cosgrove  
Principal Democratic Services Officer  
Corporate Strategy and Support Division  
01429 52 3019  
david.cosgrove@hartlepool.gov.uk

**Licensing Act Sub Committees**

<b>Premises</b>	<b>Date</b>	<b>Application Type</b>	<b>Application</b>	<b>Members</b>	<b>Objectors Present</b>	<b>Decision</b>	<b>Latest Operational Hour Granted</b>
Premier Grocery Express (46 Owton Manor Lane)	1 June 06	Review	Removal of Alcohol license following sales of alcohol to children	Lilley, R Cook & Kaiser	Five interested parties	Revoked	n/a

## Appendix 2

## Hackney Carriage and Private Hire Licensing Sub Committees

Date	Members	Application Type	Applicant	Applicant Present	Decision
11 April 06	Dr Morris, Griffin, Richardson & Tumilty.	Hackney Carriage	AWS	Yes	Approved with reminder of duty to public.
		Private Hire	KDF	Yes	Approved with reminder of duty to public.
		Private Hire	SAL	Yes	Approved with reminder of duty to public.
		Private Hire	DJD	Yes	Approved with reminder of duty to public.
		Private Hire	IC	No	Approved with reminder of duty to public.
24 May 06	Kaiser, Hall, Jackson & Dr Morris	Hackney Carriage/ Private Hire	AC M	Yes	Approved with reminder of duty to public.
		Private Hire	MC	Yes	Approved with reminder of duty to public.
		Hackney Carriage/ Private Hire	MJL	No	Adjourned – applicant not present.
		Private Hire	MKT	No	Adjourned – applicant not present.
		Hackney Carriage	MF	No	Suspended