

Cabinet Agenda

Date: Wednesday, 17th December, 2008
Time: 2.00 pm
Venue: The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests in any item on the agenda

3. **Public Speaking Time/Open Session**

In accordance with Procedure Rules Nos.11 and 35 a total period of 10 minutes is allocated for members of the public to address the Committee on any matter relevant to the work of the Committee.

Individual members of the public may speak for up to 5 minutes but the Chairman will decide how the period of time allocated for public speaking will be apportioned where there are a number of speakers.

Note: In order for officers to undertake any background research it would be helpful if questions were submitted at least one working day before the meeting.

4. **Minutes of Previous meeting** (Pages 1 - 8)

To approve the minutes of the meeting held on 2 December 2008.

Please contact Cherry Foreman on 01270 529736
E-Mail: cherry.foreman@cheshireeast.gov.uk with any apologies or requests for further information or to give notice of a question to be asked by a member of the public

5. **Key Decision CE07 Medium Term Financial Strategy**

Report to follow.

6. **Caretaker and Nominated Authorities for Closure of Accounts**

Report to follow

7. **Key Decision CE36 Statement of Licensing Policy, Licensing Act 2003** (Pages 9 - 28)

To approve the Statement of Licensing Policy so as to enable statutory consultation to be carried out in accordance with the Licensing Act 2003.

8. **Key Decision CE43 Statement of Principles under the Gambling Act 2005** (Pages 29 - 54)

To approve the Statement of Principles so as to enable statutory consultation to be carried out as required by the Gambling Act 2005.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Cabinet**
held on Tuesday, 2nd December, 2008 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor W Fitzgerald (Chairman)
Councillor R Domleo (Vice-Chairman)

Councillors D Brickhill, D Brown, P Findlow, F Keegan, A Knowles, J Macrae,
P Mason and B Silvester.

In attendance:
Councillor A Thwaite.

100 APOLOGIES FOR ABSENCE

There were no apologies for absence.

101 DECLARATIONS OF INTEREST

Members gave a general declaration of personal interest in respect of every item on the agenda where an individual member was a Member of Cheshire County Council and/or of one of the current Borough Council. In accordance with the Code of Conduct they remained in the meeting during consideration of the relevant items.

Councillor P Findlow declared a personal and prejudicial interest in minute 110 (Council Tax Discounts, Exemptions and Payment Dates) by virtue of having a second home. In accordance with the Code of Conduct he left the meeting during consideration of this item.

102 PUBLIC SPEAKING TIME/OPEN SESSION

In accordance with Procedure Rules nos 11 and 35 Mr M Wynne asked a number of questions in respect of waste and recycling matters. Councillor D Brickhill responded and a copy of his answers was given to Mr Wynne.

103 MINUTES OF PREVIOUS MEETING

RESOLVED

The minutes of the meeting held on 4 November were approved as a correct record.

104 **KEY DECISION CE30 INVESTORS IN PEOPLE**

Consideration was given to the options available to Cheshire East should they wish to retain and/or seek re-accreditation against the Investors in People standard.

RESOLVED

For the reasons set out in the report: -

It was agreed that the Council would commit to continue with Investors in People and seek accreditation by 2010, as outlined in Option 3 of the report.

105 **KEY DECISION CE38 COMMISSIONING STRATEGY - ADVOCACY**

Cabinet was requested to consider a report which highlighted the range of provision of independent advocacy in Cheshire East and proposing, in high level terms, the commissioning approach for the future, in Partnership with the PCT.

RESOLVED

For the reasons set out in the report: -

That approval be given to the general approach to independent advocacy into the first year of the Council, and beyond.

106 **KEY DECISION CE44 SCHOOL ADMISSIONS**

Consideration was given to various matters in respect of the annual consultation on School Admission arrangements and the co-ordinated admissions scheme for the school year commencing September 2010 and beyond, the relevant area for consultation arrangements and the terms of reference for the statutory Admissions Forum for Cheshire East Authority.

RESOLVED

For the reasons set out in the report: -

Approval be given to

1. the attached consultation documents and appendices, with any subsequent amendments and any additions as may be recommended by the Cheshire East Admissions Forum, on admissions for the school year commencing September 2010 and beyond; and its circulation to all Cheshire East schools and neighbouring local authorities at the beginning of the spring term 2009 be approved.
2. determination of the Cheshire East 'relevant area' to be Cheshire East administrative boundary for all Community and Controlled Schools for which the Cheshire East Local Authority is the admissions authority and the 'relevant area' for every Cheshire East authority aided and

foundation school to be the area normally served by the school, from which most of its pupils are drawn.

3. recognition that parents actual preferences and children's actual schooling patterns will extend beyond the Authority's boundary and therefore consultation on admission arrangements will involve all neighbouring authorities.
4. to the terms of reference, in order that the forum can be set up in accordance with the timescales (provided as background information) without further reference to the Cabinet, with any future discussions on this being with the Lead Member.

107 **KEY DECISION CE50 DRAFT CUSTOMER ACCESS STRATEGY**

Consideration was given to the guiding principles, objectives and vision for Customer Access, which would lead to the production of a Customer Access Strategy for East Cheshire.

RESOLVED

For the reasons set out in the report: -

That the guiding principles objectives and vision for Customer Access be approved.

108 **KEY DECISION CE51 CHESHIRE EAST LOCAL DEVELOPMENT SCHEME**

Consideration was given to the Draft Local Development Scheme for Cheshire East prior to its consideration by the Council on 9 December. The Portfolio Holder (Performance and Capacity) reported that since the report had been prepared the comments of Government Office North West had been received on the amended Draft Local Development Scheme. Comments regarding the content of the document had been summarised and circulated to the Cabinet. Cabinet were requested to agree to the amendments suggested for inclusion in the Draft Local Development Scheme, before its consideration by Council.

RESOLVED

For the reasons set out in the report and as now stated: -

That approval be given to amended Draft Local Development Scheme, and to the further amendments now circulated, for approval by Council on 9 December 2008.

109 **DISCRETIONARY RATE RELIEF POLICY**

Consideration was given to a discretionary rate relief policy for business rates in respect of charitable and non-profit making organisations, rural businesses and hardship cases.

RESOLVED

For the reasons set out in the report: -

Approval was given to

1. the policy detailed in Appendix A for charitable, non-profit making and rural applications.
2. the rural settlement list detailed in Appendix B.
3. that applicants applying for discretionary relief only and with a rateable value below £10,000 be required to apply for Small Business Relief.
4. that the Borough Treasurer & Head of Assets be given delegated authority to determine applications in accordance with the agreed policy.
5. that consideration be given to allow applicants who would receive less relief under the new policy to retain their existing award until any future change in circumstances.
6. that applications that fall outside the agreed policy be determined by the Borough Treasurer & Head of Assets in conjunction with recommendations from senior revenues officers.
7. that appeals against either a decision not to award relief or the level of relief awarded be considered by the Borough Treasurer & Head of Assets in consultation with the Portfolio Holder for Resources. If still not resolved, the case should be considered by Cabinet and appropriate amendments made to the policy if required, following the decision.
8. that all applications for hardship relief be considered on a case by case basis by the Borough Treasurer & Head of Assets in consultation with the Portfolio Holder for Resources and any appeals to be considered by Cabinet.

110 **COUNCIL TAX DISCOUNTS, EXEMPTIONS AND PAYMENT DATES**

(Councillor P Findlow had declared a personal and prejudicial interest in this item. In accordance with the Code of Conduct he left the meeting during its consideration.)

Consideration was given to the options and recommendations for council tax discounts and exemptions, and instalment dates for council tax and business rates.

RESOLVED

For the reasons set out in the report: -

That approval be given to

1. discounts of 25% for both second homes and long-term empty properties.
2. a policy whereby applications for local discounts are determined by the Borough Treasurer and Head of Assets in consultation with the Portfolio Holder (Resources).
3. the proposed monthly payment dates for Council Tax as follows:

Cash/cheque payers	1 st
Direct debit payers	1 st , 5 th , 10 th , 15 th , 22 nd and 27 th
Half yearly payers	1 st April and 1 st September
Yearly payers	1 st April

4. the proposed monthly payment dates for Business Rates as follows:

Cash/cheque payers	1 st
Direct debit payers	1 st , 15 th and 27 th
Half yearly payers	1 st April and 1 st September
Yearly payers	1 st April

111 **COUNCIL TAX BASE 2009/10**

Notification was given of the Council Tax Base for Cheshire East.

RESOLVED

For the reasons set out in the report: -

That Council be recommended that, in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amount to be calculated by Cheshire East Council as its Council Tax Base for the year 2009/10 is:

- for the whole area – 144,761.46
- for each Parish area as set out in Appendix A

112 **LOCAL AREA AGREEMENT**

Consideration was given to the current position in relation to Local Area Agreement delivery and the implications for the Council in the light of the Local Government (Structural Changes) (Transitional Arrangements) Regulations 2008 and the proposed process and timetable for severance of the Agreement.

RESOLVED

For the reasons set out in the report: -

That Cabinet recommends to Council to:

- (i) endorse the Cheshire Local Area Agreement 2008 - 2011 (Appendix 1) in accordance with the requirements of the Local Government

(Structural Changes) (Transitional Arrangements) Regulations 2008

- (ii) note its statutory duty to have regard to all targets in the Local Area Agreement and those for which it will become the 'lead partner'; and
- (iii) delegate its authority to make any proposals for 'revision' of the Cheshire Local Area Agreement 2008 - 2011 to the Secretary of State, deemed necessary as a consequence of the annual refresh process and in accordance with the requirements of Section 111 of the Local Government and Public Involvement in Health Act 2007, to the Cabinet.

113 CHESHIRE AND WARRINGTON IMPROVEMENT AND EFFICIENCY STRATEGY

Consideration was given to the adoption of the Cheshire and Warrington Improvement and Efficiency Partnership and Strategy; which would support the Council's emerging ambitions and improvement priorities as identified in the interim Corporate Plan. It was reported that since it had been printed the wording of the CWIEP priority in the Strategy relating to housing had been revised to read 'supporting the housing market across the sub region.'

RESOLVED

For the reasons set out in the report: -

1. That approval be given to the Cheshire and Warrington Improvement and Efficiency Strategy as appended to the report, taking into account the revision reported above.
2. That agreement be given for Warrington Borough Council to undertake the role of "accountable body" in relation to the Cheshire and Warrington Improvement and Efficiency Partnership.
3. That the Interim Director (Places) in consultation with the Interim Monitoring Officer and the Portfolio Holder (Performance and Capacity) be authorised to enter into a partnership agreement on behalf of Cheshire East for the Cheshire and Warrington Improvement and Efficiency Partnership.

114 SECTION 24 SCHEDULES OF CONSENT

Consideration was given to a report by the Interim Monitoring Officer and the Interim Chief Finance Officer on Section 24 Consents issued under delegated powers since the last meeting. Details were reported of a consent arising from an amalgamation of Vernon Infant and Junior Schools, Poynton.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

115 **PROGRESS REPORTING PAPER**

Consideration was given to an update on the programme giving progress made against key milestones, and to steps to be taken in the coming months. It was reported that the format of this report was to be revised to include additional information in the period leading up to 1 April 2009.

RESOLVED

For the reasons set out in the report: -

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 3.10 pm

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CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 17 December 2008
Report of: Tony Potts – Community Safety Manager
Title: Licensing Act 2003 –
Statement of Licensing Policy

1.0 Purpose of Report

- 1.1 Licensing Authorities must approve and publish a Statement of Licensing Policy in order to carry out functions relating to the licensing of alcohol and entertainment under the Licensing Act 2003. If practicable the Council is required to produce its Statement of Licensing Policy by 1st April 2009.
- 1.2 The Council must undertake a consultation exercise with stakeholders on the content of the Statement before it is determined. The purpose of this report is to seek approval for the Statement of Licensing Policy in its draft form so that the consultation exercise may take place.

2.0 Decision Required

- 2.1 Cabinet is requested to approve the Statement of Licensing Policy in its present draft form for the purpose of undertaking the statutory consultation exercise required by the Licensing Act 2003.

3.0 Financial Implications for Transition Costs

- 3.1 None except for 'one-off' printing and postage costs incurred by the consultation exercise.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Licensing Act 2003 as regards the three year period commencing on 7th January 2011. For this reason the statement is not required to be reviewed again until January 2014.

5.0 Legal Implications

- 5.1 Section 5 of the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of policy that it proposes to apply in exercising its functions under the Act.

- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Licensing Act 2003 shall be produced by 1 April 2009. If it has not been possible to prepare the policy by 1 April 2009, the Regulations provide that it must be prepared within twelve months of vesting day.

6.0 Risk Assessment

- 6.1 There is no risk attached to taking the recommended course of action.

7.0 Background and Options

- 7.1 As set out above, the Licensing Act 2003 requires licensing authorities to prepare and publish a statement of policy that it proposes to apply in exercising its functions under the Act. Each of the three constituent authorities of Cheshire East has had in place its own Statement of Licensing Policy since the Act came into force in 2005.
- 7.2.1 Cheshire East must have its own policy document in place in order to perform its role as the licensing authority for applications to licence the sale of alcohol, late night refreshment and the provision of regulated entertainment.
- 7.3 The draft Statement, a copy of which is attached as Appendix 1, largely reflects the existing policy statements of Crewe and Nantwich, Congleton and Macclesfield Borough Councils, which have been approved by their respective Councils.
- 7.4 Should Cabinet approve the draft statement of policy, it is proposed that statutory consultation with stakeholders will be undertaken. Consultees include the police, the fire authority, environmental health and representative groups of licence holders, businesses and residents
- 7.5 It is proposed to shorten the consultation period from the usual 12 weeks recommended by the Cabinet Office to six weeks because of the limited length of time available to complete the procedure before 1st April 2009. It is suggested that due to the minor nature of the changes to the statement from those originally in place in the three districts, the shortening of the consultation period will not be prejudicial to consultees.
- 7.6 At the conclusion of the consultation period any representations which are received will be considered by the shadow Licensing Committee. The Committee will then recommend a final draft to Council on 24th February 2009 having taken into account the consultation responses.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have a Statement of Licensing Policy in place is, where practicable, a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to produce and publish, every three years a statement of the policy which it proposes to apply when exercising its functions under the Licensing Act 2003; where practicable this is required to be done by 1 April 2009. Approval of the recommendation will enable the next step to be taken towards achieving that aim.

For further information:

Portfolio Holder: Councillor Brian Silvester

Officer: T Potts

Tel No: (01270) 529869

Email: tony.potts@congleton.gov.uk

Background Documents:

Guidance issued under section 182 of the Licensing Act 2003 by the Secretary of State for Culture, Media and Sport on 28th June 2007

The Licensing Statement of Macclesfield Borough Council

The Licensing Statement of Congleton Borough Council

The Licensing Statement of Policy of Crewe & Nantwich Borough Council dated 28th November 2007

Documents are available for inspection at:

Macclesfield Borough Council – Legal and Democratic Services, Town Hall, Macclesfield

Congleton Borough Council – Community Safety Dept, Westfields, Middlewich Road, Sandbach

Crewe & Nantwich Borough Council – Licensing Section, Municipal Buildings, Earle Street, Crewe

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CHESHIRE EAST COUNCIL
STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)

FOREWORD

Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.

Each of the former district Councils within Cheshire East first produced and published licensing policy statements in January 2005 following the commencement of the Licensing Act 2003.

This Statement of Licensing Policy draws on the original policies of each of the districts and sets down a policy on how Cheshire East Council will deal with applications in order to achieve the four licensing objectives, namely;

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

It is intended that this policy will be a guide for both applicants and those other parties who have an interest in these matters. Whilst the policy provides framework guidance, the Council, as the Licensing Authority, will ultimately determine each individual application on its own merits.

(date)

CHESHIRE EAST COUNCIL
STATEMENT OF LICENSING POLICY
(LICENSING ACT 2003)

1. INTRODUCTION

- 1.1 This Statement of Licensing Policy ('the Policy') is published by Cheshire East Council ('the Council') as the licensing authority ('the Licensing Authority') in accordance with section 5 of the Licensing Act 2003 ('the Act').
- 1.2 The Policy takes into account the guidance issued under section 182 of the Act by the Department of Culture Media and Sport. The latest guidance was published by the DCMS on 28th June 2007; a copy of the guidance may be accessed via the DCMS website, www.culture.gov.uk

- 1.3 In accordance with section 4 of the Act, the Licensing Authority shall have regard to the Policy in the exercise of its functions in respect of licensable activities and qualifying licensable activities.

‘Licensable activities’ means:

- The sale by retail of alcohol;
- The provision of regulated entertainment; and
- The provision of late night refreshment

‘Qualifying licensable activities’ means:

- The supply of alcohol by or on behalf of a club to, or to the order of, a member of a club;
- The sale by retail of alcohol by or on behalf of a club to a guest or member of the club for consumption on the premises where the sale takes place; and
- The provision of regulated entertainment where that provision is made on behalf of a club for members of the club or members of the club on behalf of their guests,

in accordance with section 1 of the Act and Schedules 1 and 2 to the Act.

The full list of licensable activities is set out at Appendix 1.

- 1.4 In formulating the Policy, the Licensing Authority has consulted interested bodies including the Chief Officer of Police, the Fire Authority, representatives of holders of premises licences, representatives of holders of club premises certificates and representatives of businesses and residents within the Council’s administrative area.
- 1.5 In determining the Policy, the Licensing Authority has given due weight to the views expressed by those who responded to the consultation exercise.

2. OBJECTIVES

- 2.1 The Licensing Authority will exercise its licensing functions with a view to promoting the four licensing objectives set out within section 4 of the Act, namely:
- **The prevention of crime and disorder;**
 - **Public safety;**
 - **The prevention of public nuisance; and**
 - **The protection of children from harm**

3. POLICY CONSIDERATIONS

- 3.1 This policy does not prejudice the requirement for the Licensing Authority to consider each application upon its own individual merits.
- 3.2 Nothing in the Policy will:

3.2.1 Undermine the rights of any individual to apply under the terms of the Act for a variety of permissions and have the application considered on its individual merits; and

3.2.2 Override the right of a person or a body who is an interested party or responsible authority (as defined within the Act) to make representations on an application or to seek a review of a licence or certificate in accordance with the provisions of the Act.

3.3 Matters within the control of the licence holder

3.3.1 The Licensing Authority recognises that licensing law is not the primary mechanism for the general control of individuals once they are away from a licensed premises and therefore the direct control of the licence (or certificate) holder. Accordingly, in exercising its licensing functions the Licensing Authority will focus upon matters, which are within the control of the individual applicant or licence holder.

3.3.2 The Licensing Authority will however expect applicants to consider and make necessary provision to ensure that harm is not caused to the licensing objectives as a result of activity in, or in the vicinity of, the licensed premises.

3.3.3 Where appropriate, following receipt of relevant representations, the Licensing Authority may attach conditions to the grant of a licence or certificate which seeks to regulate the behaviour of persons as they leave licensed premises.

3.4 Need for licensed premises

3.4.1 When exercising its licensing functions the Licensing Authority will not be influenced by questions of need. The issue of whether or not there is a need for any particular premises is a commercial matter, which is not relevant to the Licensing Authority's considerations.

3.5 Anti-social behaviour

3.5.1 The Licensing Authority recognises that in addition to the requirements for it to promote the licensing objectives, the Local Authority has a duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder within its administrative area.

3.5.2 The Licensing Authority recognises that, apart from the licensing function, there are a number of other mechanisms available for addressing issues of anti-social behaviour including:

- Planning controls;
- Measures (including closed circuit TV) to create a safer and cleaner environment in partnership with businesses and other agencies;
- 'Alcohol designation orders' also known as "Designated No Drinking Zones" made under the Criminal Justice and Police Act 2001 under which the Police have the power to confiscate alcohol
- The use by Police of powers such as the issue of fixed penalty notices and prosecution for sales to underage drinkers;

- The power of the Police to close down a premises for twenty-four hours on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- Powers under sections 40 and 41 of the Anti-Social Behaviour Act 2003 which provides authorised Environmental Health Officers the power to issue a closure order effective for up to 24 hours in situations where the noise from a licensed premises is causing a public nuisance;
- The powers available to local authorities and the Police contained within the Violent Crime Reduction Act 2006;
- The power available to local authorities to issue fixed penalty notices to licensed premises emitting noise which exceeds the permitted level between 11pm and 7am within the Clean Neighbourhoods and Environment Act 2005;
- The normal enforcement work carried out by the Police; and
- The ability for the Police, or other responsible authority or local residents/businesses to seek a review of a licence or certificate.

4. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION

- 4.1 The Licensing Authority will consider the Local Authority's approved strategies and policies where they are relevant to the exercise of its function as the licensing authority.
- 4.2 The Licensing Authority will provide information in relation to Premises Licences and Club Premises Certificates granted to the Planning Department and the relevant transport agencies in order that the provision of late night transport from entertainment venues may be considered.
- 4.3 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 4.4 The Licensing Authority recognises that there should be a clear separation of the planning, building control and licensing regimes in order to avoid duplication. Whilst there may be some factors affecting the planning decision, which may also affect the decision of the Licensing Committee, licensing applications will not be a re-run of planning applications.
- 4.5 The Licensing Authority is not bound by decisions made by the Planning Committee and vice versa.
- 4.6 The Licensing Authority recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage and promote a broad range of entertainment, particularly live music, dancing and theatre, including the performance of a wide range of traditional and historic plays for the wider cultural benefit of communities. The Licensing Authority recognises the need for a balance the cultural needs with the necessity of promoting the licensing objectives.

5. STEPS TO PROMOTE THE LICENSING OBJECTIVES

Operating schedules

- 5.1 Applications for Premises Licences and Club Premises Certificates must be accompanied by an operating schedule, which is a written description of how the premises and proposed activities will be operated and managed. The operating schedule should address how the applicant proposed to meet the four licensing objectives.
- 5.2 The Licensing Authority takes the view that the applicants should discuss their operating schedules in draft form with the appropriate Responsible Authorities (as set out within Appendix 2) particularly the Police, the Fire and Rescue Service and the Local Authority's Environmental Health Department prior to formal submission of the application. Applicants will thereby have access to expert advice on the steps that may be necessary to promote the licensing objectives.
- 5.3 The Licensing Authority recognises that the number of issues which need to be addressed within an operating schedule will depend on the size of the premises and the type of licensable activity provided. Whilst the following lists are not exhaustive, the Licensing Authority expects applicants to consider the following issues:

5.4.1 Prevention of Crime and Disorder

The means by which crime and disorder will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Crime prevention design, including appropriate lighting of exterior areas;
- Door supervision together with the maintenance of an incident book;
- Use of toughened or plastic glasses;
- Mechanisms for combating drug dealing and abuse;
- The use of CCTV cameras;
- Use of 'Pubwatch' radio system or other means of communication;
- Use of ID scan equipment

5.4.2 Prevention of public nuisance

The means by which nuisances will be prevented by the effective management and operation of the licensed activities. The issues may include:

- Measures to deal with noise emanating from the premises including external areas such as beer gardens;
- Noise and disturbance caused by people leaving the premises;
- Whether there will be a 'drinking up' time
- Whether doors and windows will be kept closed or other methods of noise control operated;

5.4.3 Public safety

The means by which public safety will be promoted by the effective management and operation of the licensed activities. The issues may include:

- Fire/emergency procedures and the training of staff in such procedures;
- Door supervision together with the maintenance of an incident book;

- Assessments in relation to the safety of performers in addition to audience and staff

5.4.4 Protection of children from harm

The means by which children will be protected from harm (including any damaging, detrimental or injurious effects) by the effective management and operation of the licensable activities. The issues may include:

- Restrictions on access by children either to the whole or any part of the premises;
- Provision of adult supervision;
- Use of recognised proof of age schemes

- 5.5 Every supply of alcohol under a Premises Licence must be made or authorised by the holder of a Personal Licence. The Licensing Authority recommends that in appropriate circumstances, particularly in relation to large premises, a minimum of one member of staff in addition to the Designated Premises Supervisor should hold a Personal Licence.

Large scale events of a temporary nature

- 5.3 The Licensing Authority expects applications for Premises Licences for temporary events (where the event is too large in scale to be authorised by way of a Temporary Event Notice) to submit their draft operating schedules to the Responsible Authorities (in particular the Police, Environmental Health and Health and Safety) well in advance, and no later than six months before the date of the event, in order that proper consultation and discussion can take place between the Responsible Authorities and the applicant.
- 5.4 The Licensing Authority recognises that such events can give rise to special considerations in respect of public safety and therefore expects operating schedules to show an awareness of these matters. Applicants are referred to the following documentation:
- The Event Safety Guide – A guide to health, safety and welfare at music and similar events (HSE 1999);
 - Managing Crowds Safety (HSE 2000)
 - Five steps to risk assessment: Case Studies (HSE 1998)
 - The Guide to Safety at Sports Grounds (The Stationary Office, 1997) etc

Small scale events of a temporary nature – Temporary Event Notices

- 5.5 Whilst the provisions of the Act require ten working days notice to be given of temporary events (which fulfil the requirements of Part V of the Act), the Licensing Authority strongly recommends that notices should be submitted sufficiently early to enable proper consultation to take place between the Police and the premises user.
- 5.6 However, it is also recognised that notice should not be given so far in advance of a proposed event that it is difficult for the Police to make a sensible assessment in

relation to the proposals. It is suggested that service of a Temporary Event Notice six months before a proposed event is the maximum period which is appropriate.

6. CONDITIONS

- 6.1 If no relevant representations are received by the Licensing Authority in relation to an application for a licence or certificate, the Licensing Authority will grant the licence/certificate subject only to the applicable mandatory conditions (as set out within the Act) and such conditions as are consistent with the proposals set out within the applicant's operating schedule.
- 6.2 The Licensing Authority may only impose conditions on a licence/certificate where its discretion has been engaged following the receipt of relevant representations and where it is satisfied of the necessity to impose conditions due to the representations received.
- 6.3 Any conditions imposed by the Licensing Authority will be necessary in order to promote the licensing objectives and proportionate to the premises and/or the events to be licensed.
- 6.4 The Licensing Authority will not attach conditions, which, if imposed, would have the effect of duplicating other existing legislative requirements. Conditions, which impose requirements over and above, that contained within other existing legislation may be imposed if relevant representations are received.
- 6.5 The Licensing Authority recognises that the Regulatory Reform (Fire Safety) Order 2005 places the onus on applicants and licensees to demonstrate that they have undertaken and recorded a fire safety risk assessment which takes into account risks from fire, measures necessary to control the risks and the identification of safe occupancy levels. It is also recognised that a capacity limit should not be imposed by way of condition on the basis of fire safety grounds as under article 43 of the A 'safe capacity' will only be imposed where necessary for the promotion of public safety or the prevention of crime and disorder and will not be imposed if a capacity has been introduced through other legislation.
- 6.6 Where appropriate, the Licensing Authority will make use of the pool of conditions in Annex D of the guidance published by the Department of Culture Media and Sport (DCMS) in accordance with section 182 of the Act. (The current guidance, issued on 28th June 2008, may be viewed on the DCMS website, www.culture.gov.uk)

7. CUMULATIVE IMPACT

- 7.1 It is recognised that an unusual number, type and density of premises selling alcohol for consumption on the premises within a concentrated area may have a cumulative impact on the promotion of the licensing objectives.
- 7.2 The cumulative effect of the premises may stem from the saturation of the area with such premises making it a focal point for large groups of people to gather and create serious problems of disorder and nuisance.
- 7.3 The nuisance and disorder may be characterised as the cumulative effect of all the premises taken together where the impact on the surrounding areas of the

behaviour of the customers from those premises when taken together is greater than the usual impact from customers of individual premises.

- 7.4 At the present time there is no evidence to suggest that a special policy in relation to cumulative impact is appropriate in respect of any area within Cheshire East, However should evidence become available, then this decision will be reviewed.

8. LICENSING HOURS

- 8.1 The Licensing Authority will determine licensing hours based on the individual merits of each application.
- 8.2 The Licensing Authority recognises that in some circumstances, flexible licensing hours for the sale of alcohol can help to ensure that the concentrations of customers leaving premises simultaneously are avoided. It is noted that this can help to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport, which lead to disorder and disturbance.
- 8.3 The Licensing Authority further recognises the Government's view that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists. Whilst providing consumers with greater choice and flexibility is an important consideration, the Licensing Authority takes the view this should always be carefully balanced against the duty to promote the four licensing objectives and the rights of local residents to peace and quiet.
- 8.4 The Licensing Authority will not seek to impose uniform closure times in relation to alcohol licensed premises and will consider each application on its merits. However, where premises are situated in sensitive areas, in circumstances where the Licensing Authority's discretion has been engaged through the receipt of relevant representations, consideration will be given to the imposition of conditions aimed at limiting the impact of noise and disturbance on residents. Such conditions may, for example, include the use of door supervisors, or measures to prevent the escape of sound from within the premises. Licensees and certificate holders are reminded that they should take reasonable steps to prevent the occurrence of crime and disorder and public nuisance in outside areas such as beer gardens or smoking shelters and in areas such as pavements immediately outside their premises, where and to the extent that these matters are within their control.
- 8.5 The Licensing Authority recommends that applicant's indicate within the operating schedule that consideration has been given to the impact the licensing hours applied for will impact on local residents and the surrounding area.
- 8.6 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any time when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting the hours. Consideration may be given to restricting the licensing hours of individual shops in circumstances where representations received indicate that the premises is a focus of disorder and disturbance.

9. CHILDREN

Access to Licensed Premises

- 9.1 Whilst each application will be considered on its merits, where the Licensing Authority's discretion has been engaged following the receipt of relevant representations, conditions in relation to the admission of persons under the age of eighteen may be imposed if there is evidence to suggest that this is necessary and proportionate in order to prevent physical, moral or psychological harm to them.
- 9.2 Circumstances in which concerns about access of children may lead to such the imposition of such conditions include premises:
- where entertainment or services of an adult or sexual nature are commonly provided;
 - where there have been convictions of members of the current staff at the premises for serving alcohol to minors or with a reputation for underage drinking;
 - with a known association with drug taking or dealing;
 - where there is a strong element of gambling on the premises (but not, for instance, the simple presence of a small number of cash prize gaming machines); and
 - where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.
- 9.3 Where appropriate to limit access to a licensed premises to children due in order to promote the prevention of harm to children, the Licensing Authority may consider the imposition of the following:
- limitations on the hours when children may be present;
 - limitations excluding the presence of children under certain ages when particular specified activities are taking place;
 - limitations on the parts of premises to which children might be given access;
 - age limitations (below 18);
 - requirements for accompanying adults (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult);
 - full exclusion of all those people under 18 from the premises when any licensable activities are taking place.
- 9.4 The Licensing Authority will not impose a condition on any licence or certificate requiring the admission of children to any premises.
- 9.5 Where a large number of children are likely to be present at an event involving regulated entertainment, the Licensing Authority will expect operating schedules to indicate that consideration has been given to the safety of children. In addition, in such circumstances, where its discretion has been engaged following receipt of relevant representations, the Licensing Authority may impose conditions requiring an appropriate number of adult staff to ensure their safety.
- 9.6 The Licensing Authority recommends that in order to prevent illegal sales to underage persons, licence holders employ a recognised 'proof of age' scheme, for example the 'Challenge 21' scheme.

Children and cinemas

- 9.7 In the case of premises giving film exhibitions, the Licensing Authority will expect licensees or clubs to include in their operating schedules arrangements for restricting children from viewing age-restricted films classified by according to the recommendations of the British Board of Film Classification or the Licensing Authority.

Responsible Authority and Children

- 9.8 The Licensing Authority recognises the Local Safeguarding Children Board as the responsible authority for the purposes of notification upon matters relating to the protection of children.

10. ENFORCEMENT

- 10.1 Once licensed, it is essential that premises are maintained and operated so as to ensure the continued promotion of the licensing objectives and compliance with the specific requirements of the Act.
- 10.2 The Licensing Authority will establish a protocol for enforcement with Cheshire Constabulary to provide for the efficient discharge of this function in conjunction with the enforcement officers of the Licensing Authority, Environmental Health officers, Trading Standards officers, and other agencies as appropriate.
- 10.3 Resources will be deployed in accordance with an assessment of which premises and events manifest the greatest risk to the promotion of the licensing objectives.
- 10.4 The Licensing Authority recognises the importance of co-operation between licence holders, Authorised Persons (as set out within Appendix 2), Responsible Authorities and Interested Parties in order to promote the licensing objectives. The Licensing Authority therefore commends the practice whereby a Responsible Authority or Authorised Person who has concerns about any premises should draw these concerns to the attention of the licence/certificate holder at an early stage with a warning that remedial action should be undertaken.
- 10.5 The Licensing Authority will therefore expect to see evidence from the Responsible Authorities of warnings, and of failure on the part of the licence holder to respond to such warnings, where an application is made to it to conduct a formal review of a licence.

11. ADMINISTRATIONS AND EXERCISE OF FUNCTIONS

- 11.1 The Licensing Authority has delegated certain decisions and functions under the Licensing Act 2003 to its Licensing Committee and, in recognition of the need to provide a speedy, efficient and cost-effective service, where possible to Licensing Sub-Committees and officers.
- 11.2 The table at Appendix 2 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committees and officers.

12. PERIOD IN FORCE

- 12.1 This Statement of Licensing Policy was approved by Cheshire East Council on (date) and will take effect until such time as it is reviewed; a reviewed policy will be published no later than 7 January 2011.

APPENDIX 1: Licensable Activities

The following are 'licensable activities for the purposes of the Licensing Act 2003:

- Retail sale of alcohol
- Supply of alcohol to club members
- Provision of 'regulated entertainment' - to the public, to club members or with a view to profit, which includes:
 - Performance of a play
 - Exhibition of a film
 - Indoor sporting events
 - Boxing or wrestling entertainment
 - Performance of live music
 - Playing of recorded music
 - Performance of dance
 - Provision of facilities for making music
 - Provision of facilities for dancing
 - Entertainment of a similar description to the performance of live music, the playing of recorded music or a performance of dance
- Supply of hot food and/or drink from any premises between 11pm and 5am

The Act provides that the following are not to be regarded as regulated entertainment:

- (a) film exhibitions for the purposes of demonstration of a product, advertisement of any goods or services or the provision of information, education or instruction;
- (b) film exhibitions which consist or form part of an exhibit put on show for any purposes of a museum or art gallery;
- (c) the performance of live music or the playing of recorded music that is incidental to some other activity which is not itself regulated entertainment;
- (d) the simultaneous reception and playing of a programme included in a programme service within the meaning of the Broadcasting Act 1990
- (e) the provision of any entertainment or entertainment facilities (a) for the purposes of or for purposes incidental to, a religious meeting or service, or (b) at a place of public religious worship
- (f) the provision of entertainment or entertainment facilities at a garden fete or a function or event of a similar character provided the event concerned is not promoted for purposes of private gain
- (g) a performance of morris dancing or any dancing of a similar nature or a performance of unamplified live music as an integral part of such a performance or facilities enabling persons to take part in such entertainment
- (h) the provision of any entertainment or entertainment facilities (i) on premises consisting or forming part of a vehicle, and (ii) at a time when the vehicle is not permanently or temporarily parked

The Act states that an activity is not a licensable activity if it is carried on: -

- (a) aboard an aircraft, hovercraft or railway vehicle engaged on a journey;
- (b) aboard a vessel engaged on an international journey;
- (c) at an approved wharf at a designated port or hoverport;

- (d) at an examination station at a designated airport;
- (e) at a royal palace;
- (f) at premises which at the time when the activity is carried on are permanently or temporarily occupied for the purposes of the armed forces of the Crown;
- (g) at premises in respect of which a certificate issued under section 174 (exemption for national security) has effect or
- (h) at such other place as may be prescribed by the Government in regulations

APPENDIX 2: Authorised Persons, Responsible Authorities and Interested Parties

Authorised Persons

This group is entitled to carry out inspection and enforcement roles and include officers of the Local Authority, Fire Authority inspectors, Health and Safety at Work inspections and Environmental Health Officers.

In addition, the Police have the power to close premises on the grounds of disorder or nuisance caused by noise coming from the premises.

Responsible Authorities

This group must be notified of all applications for a premises licence. They are entitled to make representations to the Licensing Authority and include: -

- The Police
- The Fire Authority
- Health and Safety Authority
- The Environmental Health Department (Cheshire East Council)
- The Local Planning Authority (Cheshire East Council)
- The Local Safeguarding Children Board (?)¹
- Trading Standards (Cheshire East Council)

In relation to a vessel, but no other premises, responsible authorities also include the navigation authorities that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These include: the Environment Agency, the British Waterways Board, and the Secretary of State for Transport, who in practice acts through the Maritime and Coastguard Agency.

Interested Parties

This group may make representations to the Licensing Authority on applications for the grant, variation or review of premises licences and includes: -

- A person living in the vicinity of the premises in question
- A body representing persons who live in that vicinity e.g. a residents association
- A person involved in a business in the vicinity of the premises
- A body representing persons involved in such businesses e.g. a trade association.

Any of these persons can have their view represented by for example, a solicitor, MP, friend or a local ward councillor.

¹ NOTE: Determine whether arrangement will still remain in place whereby the Police will deal with applications on behalf of LSCB.

APPENDIX 3: Table of delegations of licensing functions

Functions under the Licensing Act will be dealt with as follows:

Matter to be Dealt with	Full Committee	Sub-Committee	Officers
Application for Personal Licence		If a police objection	If no objections made
Application for Personal Licence with unspent convictions		All Cases.	
Application for premises Licence/Club Premises Certificate		If a relevant representation made.	If no relevant representation made.
Application for provisional statement		If a relevant representation is made.	If no relevant representation is made
Application to vary Premises Licence/Club Premises Certificate		If a relevant representation made.	If no relevant representation made.
Application to vary designated Personal Licence holder		If a police objection.	All other cases.
Request to be removed as designated Personal Licence Holder.			All cases.
Application of transfer of Premises Licence.		If a police objection.	All other cases.
Application for Interim Authorities		If a police objection	All other cases.
Application to review Premises Licence/Club Premises Certificate.		All cases.	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases.
Decision to object when Local Authority is a consultee and not a lead authority.		All cases.	
Determination of a police objection to a Temporary Event Notice.		All cases.	

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 17th December 2008
Report of: Tony Potts – Community Safety Manager
Title: Gambling Act 2005 –
Statement of Principles

1.0 Purpose of Report

- 1.1 The Gambling Act 2005 requires local authorities to prepare and publish a statement of the principles that they propose to apply when exercising their functions under the Act. If practicable the Council is required to produce its Statement of Principles by 1st April 2009.
- 1.2 The Council must undertake a consultation exercise with stakeholders on the content of the Statement before it is determined. The purpose of this report is to seek approval for the Statement of Principles in its draft form so that the consultation exercise may take place.

2.0 Decision Required

- 2.1 Cabinet is requested to approve the Statement of Principles in its present draft form for the purpose of undertaking the statutory consultation exercise required by the Gambling Act 2005.

3.0 Financial Implications for Transition Costs

- 3.1 None except for 'one-off' printing and postage costs incurred by the consultation exercise and the advertising costs of the notice of intended publication.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Local Government (Structural Changes)(Transitional Arrangements)(No 2) Regulations 2008 provide that the preparation of a statement of principles by the shadow Council will be taken as satisfying the requirements of the Gambling Act 2005 as regards the three year period commencing on 31st January 2010. For this reason the statement is not required to be reviewed again until January 2013.

5.0 Legal Implications

- 5.1 Section 349 of the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its

functions under the Act. The drafting of the policy statement must take into account the requirements of The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

- 5.2 The Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that, where it is practicable to do so, a statement of principles under the Gambling Act 2005 shall be produced by 1 April 2009. If it has not been possible to prepare the policy by 1 April 2009, the Regulations provide that it must be prepared within twelve months of vesting day.

6.0 Risk Assessment

- 6.1 There is no risk attached to taking the recommended course of action.

7.0 Background and Options

- 7.1 As set out above, the Gambling Act 2005 requires licensing authorities to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. Each of the three constituent authorities of Cheshire East has had in place its own Statement of Principles since the Gambling Act 2005 came into force in 2007.
- 7.2.1 Cheshire East must have its own policy document in place in order to perform its role as the licensing authority for applications to licence premises for gambling.
- 7.3 The draft Statement, a copy of which is attached as Appendix 1, largely reflects the existing policy statements of Crewe and Nantwich, Congleton and Macclesfield Borough Councils, which have been approved by their respective Councils. In determining its policy the Council must have regard to the guidance issued by the Gambling Commission and give appropriate weight to the views of those it has consulted. It should also be highlighted that in addition to this Guidance, the form and content of the policy statement is to a degree dictated by The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.
- 7.4 Should Cabinet approve the draft statement of principles, it is proposed that statutory consultation with stakeholders will be undertaken. Consultees include the police, the fire authority and representative groups of licence holders, businesses, residents and Town and Parish councils.
- 7.5 It is proposed to shorten the consultation period from the usual 12 weeks recommended by the Cabinet Office to six weeks because of the limited length of time available to complete the procedure before 1st April 2009. It is suggested that due to the minor nature of the changes to the statement from those originally in place in the three districts, the shortening of the consultation period will not be prejudicial to consultees.
- 7.6 At the conclusion of the consultation period any representations which are received will be considered by the shadow Licensing Committee. The

Committee will then recommend a final draft to Council on 24th February 2009 having taken into account the consultation responses.

- 7.7 As required by secondary legislation at least four weeks before the statement comes into effect (i.e. on 1st April 2009) a notice of intended publication will be issued on the Council's website and published in a local newspaper.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The requirement to have a Gambling Statement of Policy in place is, where practicable, a Day One requirement.

9.0 Reasons for Recommendation

- 9.1 The Council is required to produce and publish, every three years a statement of the principles which they propose to apply when exercising their functions under the Gambling Act 2005, where practicable this is required to be done by 1 April 2009. Approval of the recommendation will enable the next step to be taken towards achieving that aim.

For further information:

Portfolio Holder: Councillor Brian Silvester

Officer: T Potts

Tel No: (01270) 529869

Email: tony.potts@congleton.gov.uk

Background Documents:

Guidance issued by the Gambling Commission under the Gambling Act 2005

The Gambling Act 2005 Statement of Principles of Macclesfield Borough Council

The Gambling Act 2005 Statement of Principles of Congleton Borough Council

The Gambling Act 2005 Statement of Principles of Crewe & Nantwich Borough Council

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STATEMENT OF PRINCIPLES

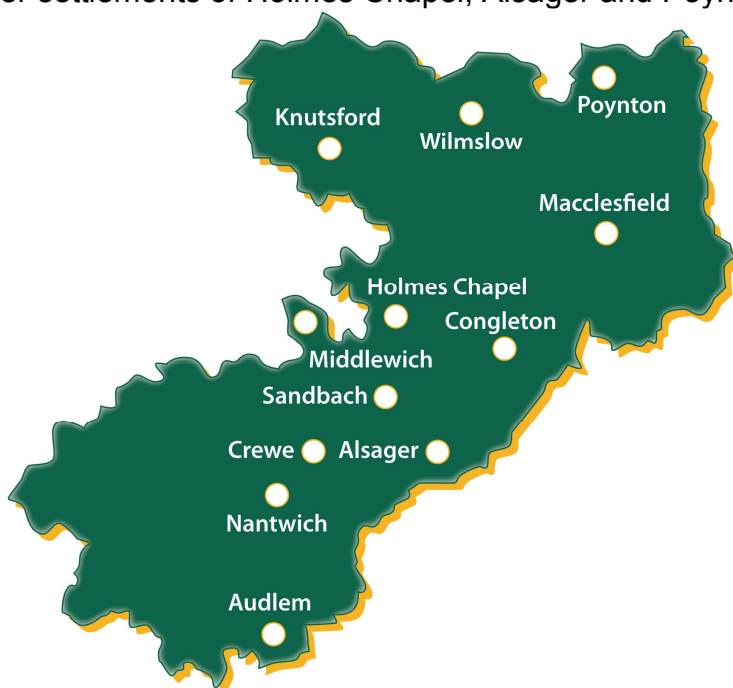
GAMBLING ACT 2005

1 Introduction

- 1.1 This Statement of Principles ('the Statement') is published by Cheshire East Council ('the Council') as the Licensing Authority in accordance with section 349 of the Gambling Act 2005.
- 1.2 The Council has produced this Statement of Principles in accordance with the provisions of the Act and having regard to the provision of the Guidance issued by the Gambling Commission under Section 25 of the Act.
- 1.3 This Statement of Principles will come into effect on the date of publication by the Council and will be reviewed from time to time as necessary. This statement will be published at least every three years from the date of publication. Statutory consultation shall take place whenever amendments are proposed to the statement of principles, before it is republished.

2 Cheshire East

- 2.1 Cheshire East has a population of 358,900 and covers an area of 116,638 hectares. Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel, Alsager and Poynton.



3 Licensing Objectives

- 3.1 The Gambling Act 2005 requires the Council as Licensing Authority to carry out its various licensing functions with a view to promoting the three 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
- 3.2 The licensing authority shall aim to permit the use of the premises for gambling as set out in section 153 of the Act, that is so far as the Authority think it:
- (a) in accordance with any relevant code of practice under section 24 of the Act;
 - (b) in accordance with any relevant guidance issued by the Gambling Commission under section 25 of the Act;
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above); and
 - (d) in accordance with this statement of principles (subject to (a) and (c) above).

4 Licensable authority functions

The licensing functions within the Act include the following:

- the grant of premises licences and the issue of provisional statements in respect of premises where gambling activities are to take place;
- to receive notifications from premises licensed for the sale of alcohol (under the Licensing Act 2003) for the use of either one or two Category C or D gaming machines;
- to grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the premises where there are more than two gaming machines;
- to grant club gaming permits and club gaming machine permits for members' clubs;
- to grant club machine permits for commercial clubs;
- to grant permits for unlicensed family entertainment centres for the use of certain lower stake gaming machines;
- to grant permits for prize gaming;
- to receive and endorse notices for the temporary use of premises for gambling;
- to consider occasional use notices for betting at tracks;
- to register small societies' lotteries;
- to provide information and statistics to the Gambling Commission; and
- to maintain registers of licences and permits issued.

5 General Principles

- 5.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes that place obligations

on employers and operators such as the Health and Safety at Work Act 1974, the Disability Discrimination Act 1995 and the fire safety regime.

- 5.2 The Licensing Authority recognises that it may only consider matters within the scope of the Guidance issued by the Gambling Commission, the Act and the Codes of Practice. It is also recognised that there may be issues raised, such as the likelihood of the applicant obtaining planning permission, which are not relevant for the purposes of the Act.
- 5.3 The Licensing Authority makes a commitment to regulating gambling in the public interest.
- 5.4 Nothing in this Statement of Principles will undermine the rights of any person to make an application under the Act and have the application considered on its individual merits; or undermine the right of any person to make representations on any application or seek a review of a licence or permit where provision has been made for them to do so within the Act.
- 5.5 In determining its Statement of Principles, the licensing authority will have regard to the Guidance issued by the Gambling Commission, and will give appropriate weight to the views of those it has consulted. In determining what weight to give particular representations, the factors to be taken into account will include:
 - who is making the representations (what is their expertise or interest);
 - what their motivation may be for their views;
 - how many other people have expressed the same or similar views;
 - how far the representations relate to matters that the licensing authority should be including in its statement of principles.
- 5.6 The Licensing Authority recognises that unmet demand is not a criterion for it when considering an application for a premises licence under the Act. Each application will be considered on its merits without regard to demand.
- 5.7 The Licensing Authority recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and other premises used by vulnerable persons, may be a relevant consideration with respect to the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling. The type of gambling which is to be offered will also be relevant.

Each application will be considered on its merits and the Licensing Authority will take into account any proposals by the applicant or licence holder which show how the licensing objectives may be satisfied.

6 Responsible Authorities

- 6.1 A 'Responsible Authority' may make representations about an application for a premises licence or may request a review of a premises licence.
- 6.2 For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in the area of Cheshire East:

- (i) The licensing authority in whose area the premises are wholly or mainly situated (Cheshire East Council)
- (ii) The Gambling Commission
- (iii) Cheshire Constabulary as the police authority
- (iv) Cheshire Fire Service as the fire and rescue authority
- (v) The Local Planning Authority (Cheshire East Council)
- (vi) Environmental Health Service (Cheshire East Council)
- (vii) Local Safeguarding Children Board
- (viii) Her Majesty's Revenue and Customs
- (ix) Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.

- 6.3 In exercising this licensing authority's 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 following principles have been applied:
- the need for the body to be responsible for an area covering the whole of the licensing authority's area
 - the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc
- 6.4 In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children Board for this purpose.
- 6.5 The contact details of all the responsible authorities under the Gambling Act 2005 are available via the Council's website at: www.cheshireeast.gov.uk or on request from the Licensing Section.

7 Interested Parties

- 7.1 In addition to Responsible Authorities, 'Interested parties' can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in Section 158 of 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 application 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)"

- 7.2.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The principles are as set out below.
- 7.2.2 Each case will be decided upon its merits.
- 7.2.3 This authority will not apply a rigid rule to its decision making, however it will consider the following as per the Gambling Commission's Guidance to local authorities:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment); and
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the distance from the premises. For example, it could be reasonable for an authority to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) residential hostel for vulnerable adults.
- the ‘catchment’ area of the premises (i.e. how far people travel to visit); and
- whether the person making the representation has business interests in that catchment area, that might be affected.

7.2.4 Representations made on the grounds that an applicant would be in competition with an existing business or that there is allegedly no demand for additional gambling premises will not be considered to be relevant.

7.2.5 The Gambling Commission has also recommended that the licensing authority states that interested parties 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 have a member who can be classed as one under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the authorised activities.

8 Consideration of applications

8.1 The licensing authority is mindful of the Commission’s Guidance which provides that the authority should set out in its statement what factors it may take into account when considering applications for premises licences, permits and other permissions and matters that it will consider relevant when determining whether to review a licence.

8.2 The licensing authority has determined to set out a number of factors, linked to the licensing objectives, which it may consider when considering applications. It should be noted that each case will be decided on its merits, so if an applicant can show how they might overcome licensing objective concerns, then that will be taken into account.

8.3 Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

8.3.1 In considering licence applications, the Licensing Authority will particularly take into account the following:-

- The location of the premises – for example if an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime.
- The design and layout of the premises;

- The training given to staff in crime prevention measures appropriate to those premises;
- Physical security features installed in the premises. This may include matters such as the position of cash registers or the standard of CCTV that is installed;
- Where premises are subject to age restrictions, the procedures in place to conduct age verification checks;
- The likelihood of any violence, public order or policing problem if the licence is granted.

8.3.2 This licensing authority notes the Commission's Guidance in relation to the meaning of disorder in the context of gambling premises, namely activity that is more serious and disruptive than mere nuisance, and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

8.3.3 Applicants are encouraged to discuss the crime prevention procedures in their premises with the Licensing Officers of Cheshire Constabulary before making a formal application.

8.4 Ensuring that gambling is conducted in a fair and open way

8.4.1 This licensing authority has noted that the Commission's Guidance states: *"Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence."*

8.4.2 This licensing authority also notes, however, that the Gambling Commission also states *"in relating to the licensing tracks the licensing authorities' role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable."* It is recognised that because the track operator does not need to have an operating licence (although he may have one), the licensing authority may have to consider placing requirements on the premises licence holder about his responsibilities in relation to the proper conduct of betting.

8.5 Protection of children and other vulnerable persons

8.5.1 It is noted that, with limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments.

8.5.2 This licensing authority has noted that the Gambling Commission Guidance to local authorities states that "The objective talks of protecting children from being "harmed or exploited by gambling", but in practice that often means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children

8.5.3 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions to protect children on particular categories of premises. This may include consideration of issues such as:-

- Supervision of entrances;
- Segregation of gambling areas from areas frequented by children;
- Supervision of gaming machines in non-adult gambling specific premises.

8.5.4 The Licensing Authority recognises the Commission's Guidance which states that Licensing authorities should 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 area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

8.5.5 It is noted that in relation to casinos, the Act provides for a code of practice on access to casino premises by children and young persons. In accordance with section 176 of the Act, adherence to the code will be a condition of a casino premises licence.

8.5.6 The Council does not seek to prohibit particular groups of adults from gambling in the same way that it seeks to prohibit children, but it will assume for regulatory purposes, that "vulnerable persons" include:

- People who gamble more than they want to;
- People who gamble beyond their means;
- People who may not be able to make an informed or balanced decision about gambling due to a mental impairment, alcohol or drugs.

8.6 Conditions

8.6.1 The Act provides licensing authorities with:

- The ability to exclude from the premises licence any default conditions that have been imposed under section 168; and
- The power to impose conditions on the premises licence

8.6.2 The Licensing Authority recognises its duty to act in accordance with the principles within section 153 of the Act and will not attach conditions which limit the use of premises for gambling except where to do so is necessary as a result of the requirement to act:

- In accordance with the Commission's Guidance, the Commission's Codes of Practice, or this statement of licensing principles; or
- In a way that is reasonably consistent with the licensing objectives.

The Licensing Authority will not turn down applications for premises licences where relevant objections can be dealt with through the use of conditions.

8.6.3 Any condition imposed by the licensing authority will be proportionate to the circumstances which it seeks to address. In particular, the licensing authority will ensure that premises licence conditions are:

- 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.

8.6.4 Decisions on individual conditions will be taken on a case-by-case basis, although this will be against the background of general policy set out in the Commission's Guidance and this statement of principles.

8.6.5 There are conditions which the Licensing Authority cannot attach to premises licences which are:

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

8.6.5 Where a condition is attached to a premises licence requiring door supervisors, the Licensing Authority will normally require those door supervisors to be Security Industry Authority (SIA) registered. Door supervisors at casinos or bingo premises are exempt from being registered by the SIA but the Licensing Authority considers that it is best practice for door supervisors working at casinos or bingo premises to have SIA training or similar.

9 Reviews

9.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities (including the Licensing Authority itself). The Licensing Authority will carry out the review unless it determines that a review should not be carried out based on whether the request for the review is relevant to the matters listed below, and with consideration as to whether the request is frivolous, vexatious, will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

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

10. Gambling Premises Licences

10.1 Adult Gaming Centres

10.1.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that those under eighteen years of age do not have access to the premises.

10.1.2 Appropriate 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.

10.2 (Licensed) Family Entertainment Centres

10.2.1 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to meet the licensing objectives, for example, to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

10.2.2 Appropriate 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, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.
- 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.

10.3 Bingo Premises

10.3.1 It is important that, if children are allowed to enter premises licensed for bingo, they do not participate in gambling, other than on category D machines.

10.3.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to consider measures to 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.

10.3.3 Further Guidance will be issued by the Gambling Commission about the particular issues which should be taken into account in relation to the suitability and layout of bingo premises. The Licensing Authority will take account of that Guidance when it is made available.

10.4 Betting Premises

10.4.1 The Licensing Authority will take into account

- the size of the premises;
- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people
- when considering the number, nature and circumstances of betting machines an operator wants to offer.

10.4.2 The Licensing Authority will consider making door supervision a requirement in circumstances where there is clear evidence from the history of trading at the premises that the premises cannot be adequately supervised from the counter and that door supervision is both necessary and proportionate.

10.4.3 The Licensing Authority is mindful of the conditions which may be attached to betting premises licences, which may include those relating to the restriction of the number of betting machines, their nature and the circumstances in which they are made available. The Authority will consider limiting the number of machines in circumstances where there is clear evidence that such machines have been or are likely to be used in breach of the licensing objectives. In these circumstances the Authority may take into account the ability of staff to monitor the use of such machines from the counter.

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

10.5 Tracks

10.5.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.

10.5.2 The Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas and do not have access to adult only gaming facilities.

10.5.3 It should be 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.

10.5.4 Appropriate 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.

10.5.6 Where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, if these machines are above category D, the applicant must demonstrate that they will be located in areas from which children are excluded. Children and young persons are not prohibited from playing category D gaming machines on a track.

10.5.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.

10.5.8 When considering the number, nature and circumstances of betting machines an operator wants to offer, the Licensing Authority will take into account

- the size of the premises;
- 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

10.5.9 The Licensing Authority will normally 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.

10.6 Travelling Fairs

10.6.1 A travelling fair is defined as a fair consisting wholly or principally for the provision of amusements and is provided by persons who travel from place to place and is held at a place which has been used for the provision of fairs on no more than 27 days per calendar year.

10.6.2 Category D gaming machines or equal chance gaming may be provided without a permit provided that facilities for gambling amount to no more than ancillary amusement at the fair.

11 **Provisional Statements**

11.1 An applicant cannot obtain a full premises licence until the premises are ready to be used for gambling. An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.

11.2 Where a provisional statement is granted and an application subsequently made for a premises licence, the Licensing Authority will disregard any representations made which address matters that could have been addressed when the provisional statement was considered unless there has been a change of circumstances.

11.3 A premises licence will be granted in the same terms as the provisional statement unless:

- representations are received which address matters that could not have been addressed when the provisional statement was considered;
- there has been a change of circumstances; or

the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

12 **Casino resolution**

12.1 The Council may make a resolution to not grant premises licences for casinos. In doing so, it may take into account any principle or matter.

12.2 The Council has not passed a resolution not to grant premises licences for casinos.

13 **Permits**

13.1 (Alcohol) Licensed Premises Gaming Machine Permits

13.1.1 Premises licensed to sell alcohol are automatically entitled to have 2 gaming machines of categories C or D provided that:

- the requisite notice has been served on the Licensing Authority;
- the appropriate fee has been paid; and
- any code of practice relating to the location and operation of gaming machines is complied with.

13.1.2 The Licensing Authority can remove the automatic authorisation 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.

13.1.3 If a licensed premises wishes to have more than 2 machines, then a permit is required.

13.1.4 The Licensing Authority must take account of the licensing objectives and any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005 when considering an application for a permit. The Licensing Authority may also consider such matters as it thinks are relevant. 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 being harmed or exploited by gambling.

13.1.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Such measures may include notices and signage, adult machines being in sight of the bar or in sight of staff who will monitor that the machines are not being used by those under 18. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare, Gamblers Anonymous, the Gordon House Association, National Debtline and local Citizens Advice Bureaux.

13.2 Unlicensed Family Entertainment Centre gaming machine permits

13.2.1 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 CRB checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

13.3 Prize Gaming Permits

13.3.1 Prize gaming is a form of gaming where the size of the prize is determined by the operator and is not based on the number of persons playing or the total value of the stakes raised.

13.3.2 Premises which have a Premises Licence can provide prize gaming without the need for a separate Prize Gaming Permit issued by the Local Authority. Premises licensed as a casino* or a betting shop, or for bingo or for an adult gaming centre or as an FEC do not need a Prize Gaming Permit in order to offer prize gaming. In

addition, an unlicensed FEC may provide prize gaming without a permit provided that a gaming machine permit has been issued and the gaming is equal chance gaming, and, finally a travelling fair may provide prize gaming provided that it is equal chance gaming.

* except for prize bingo which would require a permit/bingo operating licence

13.3.3 In exercising its functions in respect of prize gaming permits, the Licensing Authority need not, but may, have regard to the licensing objectives and must have regard to any guidance issued by the Gambling Commission.

13.3.4 There are conditions in the Act which a permit holder must comply with which 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.

13.3.5 Applicants should set out the types of gaming intended to be offered and should demonstrate:

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

The Licensing Authority will consider these matters when determining the suitability of an applicant for a permit.

13.4 Club Gaming and Club Gaming Machine Permits

13.4.1 Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Club Gaming machines permit.

13.4.2 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 in accordance with regulations made under the Act.

13.4.3 A Club Gaming Machine Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

13.4.4 Members Clubs must:

- have at least 25 members;
- be established and conducted wholly or mainly for purposes other than gaming, unless the gaming is permitted by separate regulations. (It is anticipated that this will include bridge and whist clubs.);

- be permanent in nature;
- not be established to make commercial profit;
- be controlled by its members equally.

Examples include working men's clubs, branches of the Royal British Legion and clubs with political affiliations.

13.4.5 The Licensing Authority 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 Commission or the police.

13.4.6 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10).

13.4.7 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.

13.4.8 The only grounds upon which an application under the fast-track process may be refused are:

- that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- 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.

14 Temporary Use Notices

14.1 A temporary use notice may only be given by the holder of an operator's licence. A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

14.2 A set of premises will be considered to be the subject of a temporary use notice if any part of the premises is the subject of a notice. Consequently, operators cannot extend the limits on temporary use notices in respect of large premises by giving separate notices for different parts of the premises.

- 14.3 The Licensing Authority will object to temporary use notices where it appears that they are being used to permit regular gambling in a set of premises.
- 14.4 In determining whether a place falls within the definition of “a set of premises” the Licensing Authority will take into consideration ownership/occupation and control of the premises. For example, a large exhibition centre will normally be regarded as one set of premises and will not be allowed separate temporary use notices for each of its exhibition halls. Individual units in a shopping centre may be regarded as different sets of premises if they are occupied and controlled by different people.

15 Occasional Use Notices

- 15.1 Where betting takes place on a track on eight days or less in a calendar year, betting may be permitted by an occasional use notice without the need for a full premises licence.
- 15.2 A track includes a horse racing course, a dog track or any other premises on any part of which a race or other sporting event takes place or is intended to take place. This could include, for example, agricultural land upon which a point-to-point meeting takes place. The track need not be a permanent fixture. Those giving occasional use notices will be expected to demonstrate that the premises fall within the definition of a track.

16 Information exchange

- 16.1 Licensing authorities are required to include in their statement 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.
- 16.2 In fulfilling its functions and obligations under the Gambling Act 2005 the Licensing Authority will exchange relevant information with other regulatory bodies and will establish protocols in this respect. In exchanging such information, the Licensing Authority will conform to the requirements of data protection and freedom of information legislation in accordance with the Council’s existing policies. In addition, the Licensing Authority will act in accordance with guidance from the Commission and adopt the principles of better regulation.
- 16.3 Details of those persons making representations will be made available to applicants to allow for negotiation unless the individual notifies the Licensing Authority to the contrary within seven days of a request for confirmation of this. In the event of a hearing being held, the representation will form part of a public document. Anyone making representations will be informed that their details will be disclosed unless they advise to the contrary.
- 16.4 Data subjects may make requests for information held by the Licensing Authority about themselves to the Data Protection Officer, Cheshire East Council.

17 Enforcement

- 17.1 The Act requires licensing authorities to state the principles that they will apply when exercising their functions under Part 15 of the Act (inspection of premises) and the powers under section 346 (power to institute criminal proceedings in respect of offences specified).
- 17.2 The Council is a signatory to the Regulator Compliance Code and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.
- 17.3 The Licensing Authority will be guided by the Gambling Commission's Guidance for local authorities and in accordance with both this Guidance and the Enforcement Concordat will base its approach on the following:
- 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
- 17.4 The Code (available upon request) proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in a referral to a Sub-Committee, the issue of a Formal Caution or a referral for prosecution.
- 17.5 The Licensing Authority will adopt a risk-based programme of inspections; this will include targeting high-risk premises which require greater attention, whilst operating a lighter touch in respect of low-risk premises, so that resources are more efficiently concentrated on problem premises.
- 17.6 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.

18 Declaration

In producing this statement of principles the authority has had regard to the licensing objectives of the Gambling Act 2005, guidance issued by the Gambling Commission. In producing the final statement the licensing authority will also have regard to any responses from those consulted on the statement.

19 Scheme of delegation

- 19.1 The Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.
- 19.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example those licences and permits where no representations have been made, will be delegated to Licensing Authority Officers. The table shown at Appendix A sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub-Committee and Officers. This form of delegation is without prejudice to Officers referring an application to a Sub-Committee or Full Committee if considered appropriate in the circumstances of any particular case.

20 Sources of information

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Section
Cheshire East Council
[insert address]

Tel:
Fax:
E-mail:

Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 6500
Website: www.gamblingcommission.gov.uk

APPENDIX A

TABLE OF DELEGATION OF LICENSING FUNCTIONS

MATTER TO BE DEALT WITH	FULL COUNCIL	SUB-COMMITTEE	OFFICERS
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 representations have been received and not withdrawn	Where no representations received/ representations 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	

APPENDIX B**GLOSSARY OF TERMS**

Licensing Objectives:	As defined in section 1.3 below
Council:	Cheshire East Council
Borough:	The area of Cheshire administered by Cheshire East Council
Applications:	Applications for licences and permits as defined in section 4 above
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
Responsible Authority:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated ("Cheshire East Council"); 2. The Gambling Commission; 3. Cheshire Constabulary; 4. Cheshire Fire Service; 5. Local Planning Authority, Cheshire East Council; 6. Environmental Health Department, Cheshire East Council; 7. Local Safeguarding Children Board; 8. HM Customs and Excise.
Interested Party:	<p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:-</p> <ol style="list-style-type: none"> 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; c) Represents persons who satisfy a) or b) above.

APPENDIX C

Schedule of parties consulted

Responsible Authorities

The Gambling Commission;
Cheshire Constabulary;
Cheshire Fire Service;
Local Planning Authority,
Environmental Health Department,
Local Safeguarding Children Board;
HM Revenue and Customs.

Persons representing the interests of persons carrying on gambling businesses in the authority's area**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**

Parish Councils within the Borough
Schools within the Borough
Tenants Associations?
East Cheshire NHS Primary Care Trust
GamCare
Samaritans
Gamblers Anonymous
Citizens Advice Bureau

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