

Licensing Committee

Agenda

Date: Monday, 16th July, 2012
Time: 2.00 pm
Venue: Committee Suite 1, 2 & 3, Westfields, Middlewich Road,
Sandbach CW11 1HZ

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**

To receive apologies for absence.

2. **Declarations of Interest**

To provide the opportunity for Members and Officers to declare any personal and/or prejudicial interests and/or any disclosable pecuniary 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.

Members of the public are not required to give notice to use this facility. However, as a matter of courtesy, a period of 24 hours' notice is encouraged.

Members of the public wishing to ask a question at the meeting should provide at least three clear working days' notice in writing and should include the question with that notice. This will enable an informed answer to be given.

Please contact Julie Zientek on 01270 686466
E-Mail: julie.zientek@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

4. **Minutes of Previous Meeting** (Pages 1 - 2)

To approve the minutes of the meeting held on 29 May 2012.

5. **Minutes of Licensing Sub-Committees** (Pages 3 - 16)

To receive the minutes of the following meetings:

Licensing Act Sub-Committee

28 May 2012

30 May 2012

21 June 2012

General Licensing Sub-Committee

29 June 2012

6. **Review of Statement of Licensing Principles (Gambling Act 2005)**
(Pages 17 - 48)

To consider the proposed draft Statement of Principles (Gambling Act 2005).

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Tuesday, 29th May, 2012 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)
Councillor W S Davies (Vice-Chairman)

Councillors C Andrew, Rhoda Bailey, D Bebbington, H Davenport, I Faseyi,
A Harewood, D Mahon, M Parsons and L Smetham

OFFICERS IN ATTENDANCE

Mr D Hawkes, Team Leader Investigations
Mrs K Khan, Solicitor
Mrs J Zientek, Democratic Services Officer

Apologies

Councillors L Gilbert, M Hardy and M Sherratt

1 DECLARATIONS OF INTEREST

There were no declarations of interest.

2 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

3 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 19 March 2012 be approved as a correct record and signed by the Chairman.

4 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the General Licensing Sub-Committee meetings held on 15 March 2012, 21 March 2012, 29 March 2012 and 30 April 2012 be received.

5 INTERIM REPORT ON HACKNEY CARRIAGE TARIFFS

The Committee considered a report regarding the progress which had been made with regard to harmonising the tables of fares in the three hackney carriage zones.

RESOLVED – That the following be noted:

- The steps which have been taken to date by officers in relation to informal consultation with the hackney carriage trade in each of the three hackney carriage zones with regard to the ‘table of fares’;
- The steps which officers propose to take to further progress this matter.

6 UPDATE ON AMENDMENTS TO THE LICENSING ACT 2003

The Committee considered a report regarding the changes to the Licensing Act 2003 brought about as a result of the Police Reform and Social Responsibility Act 2011 and changes to the statutory guidance to local authorities issued under section 182 of the 2003 Act.

RESOLVED

- (a) That the content of the report in relation to the legislative changes be noted;
- (b) That the power to act on behalf of the Licensing Authority in its role as a responsible authority under the 2003 Act be delegated to the Consumer Protection and Investigations Manager, in order to ensure the proper separation between the Licensing Authority as a decision-maker under the 2003 Act and the Licensing Authority as a ‘responsible authority.’

7 KATE KHAN

The Chairman reported that Mrs K Khan, the Licensing Solicitor, would be commencing a period of maternity leave prior to the next meeting of the Committee. Committee Members thanked Kate for all her hard work in supporting the Licensing Committee and its Sub-Committees since the formation of Cheshire East Council, and wished her all the best for the forthcoming months.

The meeting commenced at 2.00 pm and concluded at 2.57 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 28th May, 2012 at Meeting Room B, Macclesfield Library,
Jordangate, Macclesfield, Cheshire SK10 1EE

PRESENT

Councillor P Whiteley (Chairman)

Councillors W S Davies and D Mahon

OFFICERS IN ATTENDANCE

Mrs N Cadman, Licensing Officer

Mrs K Khan, Solicitor

Mrs J Zientek, Democratic Services Officer

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 APPLICATION FOR A PREMISES LICENCE: BUBBLE ROOM, 45-47 LONDON ROAD, ALDERLEY EDGE, CHESHIRE SK9 7JT

The Chairman reported that Members of the Sub-Committee had agreed to defer consideration of this item to a meeting on Thursday 21 June. The start time of the current meeting had therefore been changed to 10.30am.

4 APPLICATION FOR A PREMISES LICENCE: TAKEAWAY/ RESTAURANT, 125 NANTWICH ROAD, CREWE, CHESHIRE

The Sub-Committee considered a report regarding an application for a Premises Licence for a takeaway/restaurant at 125 Nantwich Road, Crewe.

The following attended the hearing and made representations with respect to the application:

- the applicant
- the owner of a neighbouring residential property

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- 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)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED - That the application for a Premises Licence be granted as applied for, subject to

- (a) The following hours for the provision of late night refreshment:
Friday and Saturday 23.00 to midnight
- (b) The hours the premises are open to the public shall be:
Sunday to Thursday 09.00 to 23.00; and
Friday and Saturday 09.00 to midnight
- (c) The following additional conditions:
 1. A CCTV system will be installed and such system to be fit for the purpose.
 2. The system will incorporate a minimum of 8 cameras covering the exterior and interior of the premises and will be capable of providing an image which is regarded as identification standard. The precise positions of the cameras may be agreed, subject to compliance with the Data Protection legislation, with the police from time to time.
 3. The system will incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 14 days and shall be made available, subject to compliance with Data Protection legislation, to the police for inspection on request.
 4. The system will display on any recording the correct time and date of the recording.
 5. A system will be in place to maintain the quality of the recorded image and a complete audit trail maintained.
 6. Notices informing customers of the operation of the system shall be prominently displayed.
 7. The system will be maintained and fully operational throughout the hours that the premises are open to the public.
 8. There shall be placed at all exits from the premises in a place where they can be seen and easily read by the public, notices requiring customers to leave the premises and the area quietly.
 9. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping etc regularly during the stated operating hours and at the end of trading on each

day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

10. No nuisance shall be caused by noise coming from the premises.

The applicants and parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 10.30 am and concluded at 12.25 pm

Councillor P Whiteley (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Wednesday, 30th May, 2012 at Meeting Room B, Macclesfield
Library, Jordangate, Macclesfield, Cheshire SK10 1EE

PRESENT

Councillor P Whiteley (Chairman)

Councillors C Andrew and M Hardy

OFFICERS IN ATTENDANCE

Mr J Hopper, Licensing Officer

Mrs K Khan, Solicitor

Mrs J Zientek, Democratic Services Officer

5 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 NOTICE OF TEMPORARY EVENT: WARFORD HALL, WARFORD HALL DRIVE, GREAT WARFORD, ALDERLEY EDGE SK9 7TP

The Sub-Committee considered a report regarding a temporary event notice served under the provisions of the Licensing Act 2003 together with an objection notice served in relation to the temporary event notice under section 104 of the Licensing Act 2003.

The following attended the hearing and made representations with respect to the temporary event notice:

- the premises user
- a representative of the premises user
- a representative of the Environmental Health Service

After a full hearing and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- 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)

- All the evidence, including the oral representations made at the meeting and the objection notice

for the following reasons:

- the event is due to take place on a Saturday rather than a Sunday;
- there have been demonstrable improvements in the management of the event since the original event in 2010;
- steps were put in place in 2011 to reduce problems associated with vehicles accessing the premises and it has been suggested that these measures would be repeated in relation to the proposed event;
- Environmental Health have confirmed that the number of complaints has reduced from double figures to single figures from 2010 to 2011;
- Environmental Health have confirmed that the complaints received in response to the event in 2011 did not relate to patrons leaving the premises at the end of the night;
- The premises user has made representations in relation to her willingness to take any required steps to mitigate any problems for local residents.

the following course of action had been agreed:

RESOLVED - That a counter notice be not given in this case.

The Environmental Health Service was reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 2.00 pm and concluded at 4.20 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Thursday, 21st June, 2012 at Meeting Room B, Macclesfield Library,
Jordangate, Macclesfield, Cheshire SK10 1EE

PRESENT

Councillor P Whiteley (Chairman)

Councillors W S Davies and D Mahon

OFFICERS IN ATTENDANCE

Mrs N Cadman (Licensing Enforcement Officer) and Mrs K Khan (Licensing Solicitor)

8 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

9 DECLARATIONS OF INTEREST

There were no declarations of interest.

10 APPLICATION FOR A PREMISES LICENCE: BUBBLE ROOM, 45 - 47 LONDON ROAD, ALDERLEY EDGE, CHESHIRE SK9 7JT

The Sub-Committee considered a report regarding an application for a Premises Licence for Bubble Room, 45-47 London Road, Alderley Edge, Cheshire.

The following attended the hearing and made representations with respect to the application:

the applicants
a representative of the applicant
a local resident

After a full hearing of the application and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of:

- The Secretary of State's Guidance under section 182 of the Licensing Act 2003
- Cheshire East Borough Council's Statement of Licensing Policy
- 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)
- All the evidence, including the oral representations made at the meeting and the written representations of interested parties

the following course of action had been agreed:

RESOLVED - That the application for a Premises Licence be granted as follows:-

Live music (indoors only)

Sunday to Wednesday 19.00 to 22.30
Thursday to Saturday 19.00 to 00.00

Recorded music (indoors only)

Sunday to Wednesday 09.00 to 00.00
Thursday to Saturday 09.00 to 01.00

Anything of a similar description to live music, recorded music, performance of dance (indoors only)

Provision of Entertainment Facilities for making music (indoors only)

Provision of entertainment facilities for entertainment of a similar description to making music/dancing (indoors only)

Sunday to Wednesday 09.00 to 22.30
Thursday to Saturday 09.00 to 01.00

Late night refreshment (indoors only)

Sunday 23.00 to 00.00
Monday to Wednesday 23.00 to 00.30
Thursday to Saturday 23.00 to 01.00

Supply of alcohol (for consumption on and off the premises)

Sunday to Wednesday 10.00 to 00.00
Thursday to Saturday 10.00 to 01.00

Hours premises open to the public

Sunday to Wednesday 08.00 to 00.30
Thursday to Saturday 08.00 to 01.30

That the non-standard timings for licensable activities set out within the original application also be approved subject to the removal of Mondays on Bank Holiday weekends;

In addition to the conditions volunteered within the operating schedule accompanying the original application, the following further conditions were also included:-

1. Whenever live music is being hosted by the premises, windows and doors will be kept closed, except for the purposes of access and egress or in the event of an emergency. This condition shall not apply to the external door at the main public entrance to the premises, but shall apply to the internal lobbied door at the main public entrance to the premises.
2. Whenever any form of regulated entertainment is taking place at the premises, regular assessments shall be made of any noise emanating from the premises. In the event that any noise is likely to cause a disturbance to any local residents, remedial action shall be taken. Details of each assessment shall be recorded in a log book with the name of the person undertaking the monitoring, the date, time, assessment position and a subjective opinion of what action is subsequently taken (if any). The log book will be kept on the premises and made available for inspection by an authorised officer of the local authority on request.

3. Prior to licensable activities taking place, a risk assessment shall be carried out. An appropriate number of SIA registered door supervisors will be utilised in accordance with the said risk assessment. When on duty, door supervisors will be instructed to prevent patrons from going beyond the curtilage of the premises onto the street. They will further be instructed to ensure that patrons behave in such a manner that does not cause any nuisance to local residents.
4. Staff will not be permitted to empty bottle bins outdoors after 21.00 or before 09.00 so as not to cause a disturbance to local residents.
5. Staff will be instructed to leave the premises and the area quietly and with respect for the needs of local residents when they finish work and leave the premises.
6. Any windows which abut the public highway on Stevens Street will have the benefit of secondary glazing to minimise the escape of noise.

The Sub-Committee wished to advise local residents that should they experience any problems in relation to the licensing objectives, for example of public nuisance, caused as a result of the operation of the licence, then they had a right to call a review of the premises licence at any time.

Parties who had made relevant representations were reminded of the right to appeal the decision to the Magistrates Court within 21 days.

The meeting commenced at 10.00 am and concluded at 1.00 pm

Councillor P Whiteley (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Friday, 29th June, 2012 at Committee Suite 2/3 - Westfields,
Middlewich Road, Sandbach, CW11 1HZ

PRESENT

Councillor P Whiteley (Chairman)

Councillors D Bebbington, I Faseyi, A Harewood and M Sherratt

OFFICERS IN ATTENDANCE

Miss F Crane, Solicitor (Observer)

Mr J Hopper, Licensing Officer

Mrs K Khan, Solicitor

Mrs J Zientek, Democratic Services Officer

Note: All parties confirmed that they had no objection to Miss Crane remaining in the room during the course of the meeting.

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor P Whiteley be appointed Chairman.

2 APOLOGIES FOR ABSENCE

There were no apologies for absence.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following items pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

5 12-13/01 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That the Licence Holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence;
- (b) That the renewal application be granted for a period of one year to allow the licence holder to demonstrate that they continue to be a fit and proper person to hold a licence;
- (c) That a renewal application would be required at the end of this twelve month period; the renewal application will be referred to the General Licensing Sub-Committee for determination and the licence holder will be required to produce a reference from their employer about their work as a licensed driver.

The licence holder was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

6 12-13/02 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder and a representative of the licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED – That the Licence Holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that no formal action be taken in relation to the future of their licence.

The Sub-Committee noted the commitment of the Licence Holder to undertake the advanced driving course. The Chairman reported that the Licence Holder was expected to do this at the earliest opportunity and to advise the Licensing Authority when they had undertaken the course.

7 12-13/03 APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED – That the applicant is not a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be refused.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

8 12-13/04 APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application for a Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the application fell within the Council's policy for determination by the Sub-Committee. Accordingly the hearing had been convened to enable the Sub-Committee to determine whether the application for a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant attended the hearing and made representations in respect of the application.

After a full hearing of the application, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That the applicant is a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence, and that the application for a licence be granted;
- (b) That the licence be granted for a probationary period of twelve months to enable the applicant to demonstrate that they continue to be a fit and proper person to hold a licence.

The applicant was reminded of the right to appeal this decision to the Magistrates Court within 21 days.

9 12-13/05 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding the holder of a Joint Hackney Carriage/Private Hire Driver's Licence.

The Sub-Committee was informed that the matter fell within the Council's policy for determination by the Sub-Committee. Accordingly, the hearing had been convened to enable the Sub-Committee to determine whether the licence holder remained a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence.

The licence holder and a representative of the licence holder attended the hearing and made representations.

After a full hearing, and in accordance with the rules of procedure, the Chairman of the Sub-Committee reported that, after taking account of all the evidence, the following course of action had been agreed.

RESOLVED

- (a) That the Licence Holder remains a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver Licence and that no formal action be taken in relation to the future of their licence.
- (b) That the application for renewal of this licence be referred to a meeting of the General Licensing Sub-Committee for consideration.

The meeting commenced at 10.00 am and concluded at 3.25 pm

Councillor P Whiteley (Chairman)

CHESHIRE EAST COUNCIL

LICENSING COMMITTEE

Date of Meeting: 16th July 2012
Report of: Head of Community Services
Subject/Title: Review of Statement of Licensing Principles (Gambling Act 2005)

1.0 Report Summary

- 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 during the three year period to which the statement applies.
- 1.2 The Council is required to review its existing statement of principles and publish the revised version by no later than 31st January 2013. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders. The purpose of this report is to recommend to the Cabinet Member that approval is provided for the statement of principles in its draft form so that the consultation exercise may take place.

2.0 Decision Requested

- 2.1 Licensing Committee is requested to recommend to the Cabinet Member for Safer & Stronger Communities the following resolution:

That the draft statement of principles at Appendix 1 to this report be approved for the purpose of the statutory consultation exercise required by the Gambling Act 2005.

3.0 Reasons for Recommendations

- 3.1 The Council's existing statement of licensing principles under the Gambling Act 2005 took effect on 1st April 2009 (i.e. Vesting Day). Whilst statements must usually be revised and published in respect of every period of three years, by virtue of the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 the statement of principles approved in 2009 satisfied the requirements of the Gambling Act 2005 as regards the three year period commencing on 31st January 2010. For this reason the Council's statement must be reviewed and republished by 31st January 2013.
- 3.2 The statement of principles under the Gambling Act 2005 forms part of the Council's Policy Framework. Therefore, in accordance with the Budget and Policy Framework Procedure Rules, the responsibility for drawing up the initial proposals rests with the Executive. For this reason, the Licensing Committee is

requested to recommend the draft statement to the Cabinet Member for Safer & Stronger Communities so that the required statutory consultation process may commence.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

**6.0 Policy Implications including - Carbon reduction
- Health**

6.1 The decision within 2.0 seeks approval for a draft policy so that consultation with relevant stakeholders may commence.

7.0 Financial Implications (Authorised by the Director of Finance and Business Services)

7.1 There will be 'one-off' printing and postage costs associated with the consultation exercise; these costs are estimated to be in the region of £85 for printing and £70 for postage (if sent by second class post). Once a final version of the statement is approved, following consideration of any consultation responses received, there will be advertising costs associated with the notice of intended publication; these costs are estimated to be in the region of £1,500 plus VAT.

7.2 Whilst it is acknowledged that this expenditure is necessary, it is noted that early projections indicate that the Service area may be in a net overspend position at year end; the forecasts are being reviewed and will be reflected in First Quarter Review report, as necessary.

8.0 Legal Implications (Authorised by the Borough Solicitor)

8.1 Section 349 of the Gambling Act 2005 ('the 2005 Act') requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies. Whilst statements must usually be revised and published in respect of every period of three years, by virtue of the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 the statement of principles approved in 2009 was satisfied the requirements of the Gambling Act 2005 as regards the three year period commencing on 31st January 2010. For this reason the Council's statement must be reviewed and republished by no later than 31st January 2013.

8.2 The statement of principles forms part of the Council's Policy Framework. As such, the final decision to approve a statement of principles or a revision of the statement rests with full Council. In addition, in developing a revised statement

of principles, the authority must comply with its Budget and Policy Framework Procedure Rules (as set out within the Constitution).

- 8.3 Sub-section 349(3) of the 2005 Act prescribes that in preparing a revision of a statement a licensing authority is required to consult:
- (a) the chief officer of police for the authority's area;
 - (b) one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area; and
 - (c) one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the 2005 Act.
- 8.4 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 ('the 2006 Regulations'). In addition, the Gambling Commission's Guidance to Licensing Authorities ('the Guidance') prescribes that in determining its policy, the licensing authority must have regard to the Guidance and give appropriate weight to the views of those it has consulted.
- 8.5 The Guidance suggests that licensing authorities may wish to consider the following when developing a consultation strategy:
- consultation with a wide range of organisations including faith groups, voluntary and community organisations working with children and young people, organisations working with people who are problem gamblers, medical practices or primary care trusts, and advocacy organisations (such as the Citizen's Advice Bureau and trade unions);
 - consultation with other tiers of local government (where they exist);
 - consultation with businesses that are, or will be, holders of a premises licence;
 - consultation with the organisations named as responsible authorities in the Act;
 - using a variety of consultation methods including meetings with gambling businesses in the local authority area and open forums for the public.

The Guidance also suggests that the written consultation should follow best practice as set out by the Department for Business Enterprise and Regulatory Reform allowing twelve weeks for responses to the consultation. The Guidance further suggests that consultation documents could be provided on the licensing authority's website.

- 8.6 Regulation 7 of the 2006 Regulations prescribes that before a revised statement comes into effect the authority must advertise the publication of the statement by way of a notice published on the authority's website and in one or more of the following places: (i) a local newspaper circulating in the area covered by the statement; (ii) a local newsletter, circular or similar document circulating in the area covered by the statement; (iii) a public notice board in or near the principal office of the authority; (iv) a public notice board on the premises of public libraries in the area covered by the statement.

- 8.7 Consideration has been given to the application of the 'public sector equality duty' (as per section 149 Equality Act 2010) to the decision requested within paragraph 2.0 above. It is suggested that the decision requested would have a neutral impact in terms of its impact on those individuals with 'protected characteristics.'

9.0 Risk Management

- 9.1 It is suggested that (a) compliance with the provisions of section 349 of the 2005 Act and the 2006 Regulations; (b) having regard to the provisions of the Guidance; (c) compliance with the Budget & Police Framework Procedure Rules; and (d) giving appropriate weight and consideration to any consultation responses received will mitigate the risk of a successful challenge of the final statement of principles.

10.0 Background and Options

- 10.1 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. The current statement of principles was approved in 2009 and was based on the policies then in force in the areas of the three predecessor district Councils and took into account the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 in terms of its form and content.
- 10.2 The draft statement, a copy of which is attached as Appendix 1, incorporates some amendments (shown marked in red within Appendix 1), but in essence remains substantially the same as the original statement. The Licensing Section have not received any comments about the drafting of the current statement from stakeholders in the period since it came into force, i.e. 1st April 2009.
- 10.3 Should the Cabinet Member approve the draft statement of principles following a recommendation from the Committee, it is proposed that statutory consultation with stakeholders will commence. The full list of proposed consultees is set out within the draft statement; however consultees will include the police, the fire authority and representative groups of licence holders, businesses, and Town and Parish councils.
- 10.4 As set out within the legal implications, the statement of principles forms part of the Council's Policy Framework and therefore must be developed in accordance with the Budget & Policy Framework Procedure Rules. It is suggested that, taking into account the requirement for a revised statement to be in force by 31st January 2013 (and the requirement that a notice of intention to publish must be advertised no later than four weeks before this date), the following timetable is proposed:

	DATE
Licensing Committee	16 th July 2012
Meeting of Cabinet Member for Safer & Stronger Communities	23 rd July 2012
Consultation commences (subject to call-in)	31 st July 2012
12 week consultation period ends	23 rd October 2012
Licensing Committee (to consider consultation responses and make recommendation to Cabinet)	5 th November 2012
Cabinet (to consider recommendation from Licensing Committee and make recommendation to Council)	12 th November 2012
Council (to consider recommendation from Cabinet)	13 th December 2012

10.5 In accordance with the Budget & Policy Framework Procedure Rules, it is proposed that the Chairman of the Sustainable Communities Scrutiny Committee will be asked to confirm whether the Committee wishes to be presented with a report on the draft statement during the consultation period identified above.

11.0 Access to Information

APPENDIX 1 – Draft Statement of Principles (with proposed revisions)

APPENDIX 2 – EIA Screening Form

The background papers relating to this report can be inspected by contacting the report writer:

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APPENDIX 1

**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 ('the Act').

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.

1.4 This Statement of Principles deals with approach Council, as Licensing Authority, will take in relation to the following matters:

- (a) Licensing objectives;
- (b) Licensable functions;
- (c) General principles;
- (d) Responsible Authorities;
- (e) Interested Parties;
- (f) Consideration of applications;
- (g) Reviews;
- (h) Gambling Premises Licences;
- (i) Provisional Statements;
- (j) Casino resolution;
- (k) Permits;
- (l) Temporary Use Notices;
- (m) Occasional Use Notices;
- (n) Information Exchange;
- (o) Enforcement
- (p) Declaration (of matters to which the Licensing Authority has had regard);
- (q) Scheme of delegation; and
- (r) Sources of information.

1.5 The persons and organisations consulted in relation to this revised Statement of Principles are listed below:

Responsible Authorities

The Gambling Commission;
Cheshire Constabulary;
Cheshire Fire & Rescue 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

British Holiday and Home Parks Association
Business in Sport & Leisure
Casino Operators Association of the UK
Racecourse Association Ltd
BACTA
British Casino Association
Association of British Bookmakers
The Bingo Association
British Beer and Pub Association
PubWatch Groups within the Borough
Chambers of Commerce & Enterprise

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 and Town Councils within the Borough
East Cheshire NHS Primary Care Trust
GamCare
Samaritans
Gamblers Anonymous
Citizens Advice Bureau

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.

A plan showing the geographical area within which the Council exercises functions as Licensing Authority is shown below.



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 & Rescue 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-baring 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 Regulators' Compliance Code and will follow the principles set out in it. The ~~concordat~~ Code is based around the principles of consistency, transparency and proportionality. These principles are reflected within Cheshire East Borough Council's Enforcement Policy (available on request).
- 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-Better Regulation principles 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 for a review, 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 and the 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

~~c/o — Macclesfield Town Hall, Market Place, Macclesfield
Westfields, Middlewich Road, Sandbach, CW11 1HZ
Municipal Buildings, Earle Street, Crewe~~

www.cheshireeast.gov.uk
licensing@cheshireeast.gov.uk

Information is also available from:-

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Tel: 0121 230 666500
E-mail: info@gamblingcommission.gov.uk
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 (Full Committee)	
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 notices <u>and occasional use notices</u>			X
Decision to give a counter notice to a temporary use notice		X	
<u>Decision as to whether a representation is vexatious, frivolous or will certainly not influence the authority's determination of the application</u>			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 <u>Borough</u> 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:	For the purposes of this Act, the following are responsible authorities in relation to premises: <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 & <u>Rescue</u> 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:	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:- <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.

Initial EIA Form Template (Screening)

Department		Safer & Stronger Communities		Initial EIA Form Template (Screening)		
Section	Licensing	Licensing	Officer responsible for the Assessment	Kate Khan (on behalf of the Licensing Section)	Is this a new or existing policy	Revision of existing policy.
Name of Policy Procedure function being assessed	Statement of Principles – Gambling Act 2005	Date of assessment	July 2012			
<p>If there are any other policies or procedures associated or linked with this one, please note them here</p> <p>Briefly describe the aims, objectives and outcomes of the policy / procedure / function</p>		<p>The decision relates to a review of the Council's Statement of Licensing Principles under the Gambling Act 2005.</p> <p>Section 349 of the Gambling Act 2005 requires a licensing authority to prepare and publish a statement of the principles that it proposes to apply in exercising its functions under the 2005 Act during the three year period to which the policy applies. The Council must publish a revised statement of principles by no later than 31st January 2013.</p> <p>As the licensing authority under the Gambling Act 2005 the Council has the responsibility for the licensing of gambling premises (including betting shops, adult gaming centres, family entertainment centres, bingo premises and tracks) and the issue of permits (such as licensed premises gaming machine permits). The Licensing Authority is required to carry out its various licensing functions under the 2005 Act with a view to promoting the licensing objectives (as set out within section 1 of the 2005 Act), namely:</p> <ul style="list-style-type: none"> • Preventing gambling from becoming a source of crime or disorder, being associated with crime or disorder or being used to support crime; • Ensuring that gambling is carried out in a fair and open way; and • Protecting children and other vulnerable persons from being harmed or exploited by gambling <p>The proposed outcome will be the production and publication of a revised statement of principles as required by the relevant statutory provisions which will enable the Council to continue to exercise its functions under the 2005 Act.</p>				

Who is intended to benefit from this policy – procedure - function	The statement of principles is of benefit to (i) the Licensing Authority – by ensuring consistency of decision-making; (ii) applicants and operators of gambling premises and premises utilising permits – by ensuring that the Licensing Authority's position in relation to such applications is clear; and (iii) members of the public – by again ensuring that the Licensing Authority's position is clear and by seeking to ensure that the licensing objective of protecting children and other vulnerable persons is addressed.
What factors could contribute to or detract from the outcomes	Consideration must be given to the consultation responses received.
Who are the main stakeholders in relation to the policy – procedure- function? Please consider key equality groups	<ul style="list-style-type: none"> • Cheshire Constabulary (and other 'Responsible Authorities' under the 2005 Act); • Persons representing the interests of those carrying on gambling businesses in the authority's area (e.g. Association of British Bookmakers; British Beer & Pub Association; Chambers of Commerce and Enterprise); • 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 2005 Act (e.g. Parish & Town Councils; the Primary Care Trust; GamCare; Gamblers Anonymous; Citizens Advice Bureau) <p>Consultation in relation to the proposed revision to the statement of principles will take place over a 12 week period and will include direct correspondence with the stakeholders identified above and publication of the proposals on the Council's website.</p>
Who is responsible for the policy – procedure – function?	Licensing Section
Racial equality - Is there an impact?	No
Gender Equality - Is there an impact?	No
Disability Equality - Is there an impact?	No
Sexual Orientation Equality - Is there an impact?	No

<p>Age Equality - Is there an impact?</p>		<p>Yes</p>	<p>The policy includes details of the Licensing Authorities position in relation to the application of the licensing objective of "protecting children and other vulnerable persons from being harmed or exploited by gambling." The Council's policy restates the Gambling Commission's Guidance that the intention of the 2005 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. Objections to an application for a gambling premises licence on the basis of the prevention of harm to children would be treated as a relevant objection.</p> <p>The policy states that the Local Safeguarding Children Board is designated as the Responsible Authority for the purposes of section 157(h) of the 2005 Act.</p>
<p>Religion and Belief Equality - Is there an impact?</p>	<p>No</p>		
<p>Other disadvantaged groups (carers, white families from poor areas).</p>	<p>No</p>		<p>The policy includes details of the Licensing Authorities position in relation to the application of the licensing objective of "protecting children and other vulnerable persons from being harmed or exploited by gambling."</p>
<p>Please give details of any other potential impacts of this policy (i.e. Poverty & deprivation, community cohesion, environmental)</p>			
<p>Could the impact constitute unlawful discrimination in relation to any of the Equality Duties</p>	<p>No</p>		
<p>Does this policy – procedure – function have any effect on good relations between the council and the community</p>	<p>Yes</p>		<p>It is suggested that the adoption of a revised statement of principles is not only a statutory requirement but will also be beneficial by ensuring that the Council's position in relation to the manner in which it will exercise its licensing functions under the 2005 Act is clear to all relevant parties.</p>
<p>Should the policy – procedure – function proceed to a full equality impact assessment</p>	<p>No</p>		

If you are not proceeding to a full EIA make sure you have evidence to justify this decision should it be challenged. Please state the date the policy/procedure/function will be reassessed

The format of the statement of principles takes into account the requirements of the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2005. The statement has also been drafted with regard to the Gambling Commission's Guidance to Licensing Authorities.

Sub-section 349(3) of the 2005 Act prescribes that in preparing a revision of a statement a licensing authority is required to consult:

- (a) the chief officer of police for the authority's area;
- (b) one or more persons who appear to the authority to represent the interests of carrying on gambling businesses in the authority's area; and
- (c) one or more persons who appear to the authority to represent the interests of persons likely to be affected by the exercise of the authority's functions under the 2005 Act.

Representations under the 2005 Act may be made by 'Responsible Authorities' (e.g. the Police, The Gambling Commission, the Cheshire Fire Service etc) or by 'interested parties' (i.e. people who (a) live sufficiently close to the premises to be likely to be affected by the authorised activities; (b) have business interests that might be affected by the authorised activities; or (c) represents persons who satisfy (a) or (b)).

At this stage the decision requested of the Licensing Committee is to recommend to the Cabinet Member that the revised statement be approved for consultation. The impact of the revised statement of principles will be reassessed following the conclusion of the twelve week consultation period.

Signed (Service Manager)

Date 4/7/12

Signed (Head of Section)

Date 5/7/12