

Licensing Committee Agenda

Date: Monday, 16th November, 2015
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 an opportunity for Members and Officers to declare any disclosable pecuniary and non-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.

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

To approve the minutes of the meeting held on 8 June 2015.

5. **Minutes of Licensing Sub-Committees** (Pages 5 - 26)

To receive the minutes of the following meetings:

Licensing Act Sub-Committee

29 June 2015

27 August 2015

21 September 2015

General Licensing Sub-Committee

16 July 2015

21 July 2015

13 August 2015

6. **Proposed changes to the joint Hackney Carriage and Private Hire Driver knowledge test** (Pages 27 - 32)

To consider proposed changes to the testing requirements for applicants for joint Hackney Carriage and Private Hire Driver Licenses.

7. **Revised Statement of Gambling Principles** (Pages 33 - 94)

To consider the proposed revised Statement of Principles and the outcome of the consultation exercise.

THERE ARE NO PART 2 ITEMS

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Committee**
held on Monday, 8th June, 2015 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W S Davies (Chairman)

Councillors E Brooks, B Dooley, I Faseyi, A Harewood, L Jeuda, M Parsons,
L Smetham, G Wait and J Wray

OFFICERS PRESENT

Kim Evans, Licensing Team Leader
Peter Jones, Lawyer
Aoife Ryan, Lawyer
Julie Zientek, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies were received from Councillors D Bebbington, M Hardy,
L Wardlaw and M Warren.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

3 PUBLIC SPEAKING TIME/OPEN SESSION

There were no members of the public present.

4 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 9 March 2015 be
approved as a correct record and signed by the Chairman.

5 MINUTES OF LICENSING SUB-COMMITTEES

RESOLVED – That the minutes of the Licensing Act Sub-Committee
meetings held on 27 March 2015 and 6 May 2015, and the General
Licensing Sub-Committee meetings held on 2 April 2015 and 10 April 2015
be received.

6 TERMS OF REFERENCE

RESOLVED – That the Committee's Terms of Reference and those of its
Sub-Committees, as set out in the Constitution, be noted.

7 UPDATE ON THE LICENSING COMMITTEE'S WORKING GROUP

The Committee considered a report regarding the Licensing Committee Working Group, which had been established with the aim of identifying options which may reduce the harmful effects of alcohol consumption within the Cheshire East area.

Following recent changes in the membership of the Licensing Committee it was necessary to reinstate the Working Group and ensure that outstanding actions were completed.

RESOLVED – That the work of the Group and the progress made to date be noted.

8 DETAILS OF LICENSED VEHICLES SUSPENDED

The Committee considered a report regarding licensed vehicles that had been suspended by Licensing Officers during the period 1 January 2015 to 20 May 2015.

The Council's Scheme of Delegation made provision for officers to suspend vehicles in certain circumstances, including where vehicles were in breach of a Council condition, a breach of legislation or byelaws, and accident damage. Details of vehicles suspended by officers were periodically reported to the Licensing Committee.

RESOLVED – That the licensed vehicles suspended by Licensing Officers for the period 1 January 2015 to 20 May 2015, as set out in appendix 1 to the report, be noted.

9 REVISED STATEMENT OF GAMBLING PRINCIPLES

The Committee considered a report regarding the Council's draft revised Statement of Gambling Principles.

The Gambling Act 2005 required local authorities to prepare and publish a statement of the principles that they proposed to apply when exercising their functions under the Act during the three year period to which the statement applied. The Council was required to review its existing statement of principles and publish the revised version by no later than 31 January 2016. In preparing a revised statement, the Council had to undertake a consultation exercise with stakeholders.

The draft Statement, which was attached as Appendix 1 to the report, incorporated minor amendments, changes in legislation or practice and a local area assessment.

RESOLVED – That the Cabinet Member for Communities be recommended to approve the draft revised Statement of Gambling Principles, to enable the statutory consultation process to commence.

The meeting commenced at 2.00 pm and concluded at 2.35 pm

Councillor W S Davies (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 29th June, 2015 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor W S Davies (Chairman)

Councillors M Hardy and M Parsons

OFFICERS IN ATTENDANCE

Jodi Embury, Licensing Officer
Kim Evans, Licensing Manager
Alex Ford, Trading Standards Officer
Margaret Hopley, Environmental Health Officer
Paul Mountford, Democratic Services Officer
Aoife Ryan, Solicitor

1 APPOINTMENT OF CHAIRMAN**RESOLVED**

That Councillor S Davies be appointed Chairman for the meeting.

2 DECLARATIONS OF INTEREST

There were no declarations of interest.

**3 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE - BAR
48, 48 CREWE ROAD, ALSAGER ST7 2ET**

The Sub-Committee considered a report regarding an application to review a premises licence for Bar 48, 48 Crewe Road, Alsager.

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

- The applicant
- A representative of Cheshire Constabulary
- A local resident
- The Designated Premises Supervisor
- A supporter of the Designated Premises Supervisor
- A solicitor representing the Designated Premises Supervisor
- The Licensing Manager
- A representative of the Environmental Health Service
- A representative of the Trading Standards Service

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 presented, 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

1. a review of the Premises Licence of Bar 48, 48 Crewe Road, Alsager ST7 2ET is appropriate; and
2. the Premises Licence for Bar 48, be revoked.

Those present at the meeting who had made relevant representations were reminded that any party could appeal against the decision of the Sub-Committee in writing to the Magistrates' Court within 21 days of service of the written notice of the decision.

4 APPLICATION TO VARY A PREMISES LICENCE - THE SHAKESPEARE, 35 BEAM STREET, NANTWICH CW5 5NA

This item had been withdrawn.

The meeting commenced at 1.15 pm and concluded at 3.25 pm

Councillor W S Davies (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Thursday, 27th August, 2015 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor W S Davies (Chairman)

Councillors D Bebbington and M Deakin

OFFICERS IN ATTENDANCE

Nikki Cadman, Licensing Officer

Aoife Ryan, Lawyer

Julie Zientek, Democratic Services Officer

5 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor S Davies be appointed Chairman.

6 DECLARATIONS OF INTEREST

There were no declarations of interest.

7 APPLICATION TO VARY A PREMISES LICENCE - WYCHWOOD PARK HOTEL, WESTON, CREWE CW2 5GP

The Sub-Committee considered a report regarding an application to vary a Premises Licence for Wychwood Park Hotel, Weston, Crewe.

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

- two representatives of the applicant

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 variation to the Premises Licence, as amended by the applicant, be granted subject to the following conditions:

1. Noise emanating from the premises as a result of regulated entertainment shall not be clearly audible at the boundary of any adjacent residential premises and noise levels shall be checked by a member of staff and recorded appropriately;
2. All windows and doors shall be closed during the provision of live and recorded music except for the purpose of ingress and egress;
3. The use of a marquee for events involving amplified music (ie live and recorded) will be limited to no more than six per calendar year.

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

The meeting commenced at 9.30 am and concluded at 10.38 am

Councillor W S Davies (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Licensing Act Sub-Committee**
held on Monday, 21st September, 2015 at Council Chamber - Town Hall,
Macclesfield, SK10 1EA

PRESENT

Councillor W S Davies (Chairman)

Councillors B Dooley and A Harewood

Officers in attendance

Kim Evans, Licensing Manager

Tracey Billington, Licensing Officer

Hamish Roscoe, Environmental Health Officer

Aoife Ryan, Solicitor

Rachel Graves, Democratic Services Officer

8 APPOINTMENT OF CHAIRMAN

RESOLVED:

That Councillor S Davies be appointed Chairman for the meeting.

Councillor S Davies in the chair

9 DECLARATIONS OF INTEREST

There were no declarations of interest.

10 APPLICATION FOR A PREMISES LICENCE AT HOLFORD HALL, MARQUEE & GROUNDS, CHESTER ROAD, PLUMLEY, CHESHIRE, WA16 0UA

The Sub-Committee considered a report regarding an application for a premises licence at Holford Hall, Marque and Grounds, Chester Road, Plumley.

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

- the applicant
- a solicitor for the applicant
- four representative of the applicant
- a solicitor for local residents
- five local residents
- a representative of the Parish Council
- a representative of the Residents Association
- a representative of the Environmental Health Service

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 in the following terms and subject to the following conditions:

Sale and Supply of Alcohol (for consumption on the premises only)

Monday to Sunday 10.30 to 00.30

Seasonal Variation: from the start of permitted hours on New Years Eve to the end of permitted hours on New Year's Day. An extra hour on the day that British Summer Time commences.

Provision of Late Night Entertainment

Plays (to take place indoors only)

Films (to take place both indoors only)

Live and recorded music (to take place indoors only)

Performance of Dance (to take place indoors only)

Monday to Sunday 10.30 to 00.30

Seasonal Variation from the start of permitted hours on New Years Eve to the end of permitted hours on New Year's Day. An extra hour on the day that British Summer Time commences.

Late Night Refreshment (to take place indoors)

Monday to Sunday 23.00 to 01.00

Seasonal Variation from the start of permitted hours on New Years Eve to the end of permitted hours on New Year's Day. An extra hour on the day that British Summer Time commences.

Hours Premises are Open to the Public

Monday to Sunday 24 hours a day

- 1 No Regulated entertainment shall take place in the marquee or in the grounds of Holford Hall
- 2 All staff will be briefed on the event timetable, site layout, emergency procedures and other relevant site specific information
- 3 Open containers of alcohol shall not be removed from the premises.
- 4 A digital hard drive CCTV system will be in operation to cover internal and external areas of the premises, any area where customers have legitimate access must be sufficiently illuminated for the purposes of CCTV. All CCTV recorded images will have sufficient clarity/quality/definition to enable facial recognition. CCTV will be kept in an unedited format for a period of 31 days, and DVDs subsequently produced will be in a format so it can be played back on a standard personal computer or standard DVD player. Any person left in charge of the premises must be trained in the use of any such CCTV equipment and able to produce/download/ burn CCTV images upon request by a person from a Responsible Authority. CCTV will be maintained on a regular basis and kept in good working order. CCTV maintenance records to be kept, details of contractor used and work carried out to be recorded. Where the recording is on a removable medium(ie videotape, compact disc, flash card etc) a secure storage system to store those recording mediums will be provided.
- 5 Any person who tried to gain entry to the premises, who is involved in disorderly conduct or anti-social behaviour outside of the premises will not be permitted entry. The Premises Licence Hold or DPS shall ensure that any person within the premises who is involved in disorderly conduct or anti-social behaviour inside the premises will be removed from the premises.
- 6 Staff will be trained in how to recognise and refuse service to customers who have had too much to drink, how to handle potential trouble makers and how to diffuse difficult situations.
- 7 The need for door security will be assessed by the Premises Licence Holder or DPS and door staff will be employed when and where the risk assessment deems this appropriate.
- 8 All firefighting equipment will be inspected and serviced in line with the appropriate British Standard.
- 9 Appropriate fire safety and information signs shall be displayed.
- 10 All staff will be trained in the safe handling of emergencies and emergency protocols. Emergency exits will be unlocked and kept clear at all times.

- 11 Staff will ensure that glasses and bottles are collected on an on-going and frequent basis, make regular inspections for broken glass and clear up glass and any spillages as quickly as possible.
- 12 The Premises Licence Holder will ensure that any complaints from local residents are managed appropriately and will ensure that local residents are provided with more than one point of contact with whom to address matters of concern. Records of all complaints to be kept for a period of no less than six months and made available to the Responsible Authorities on request.
- 13 Notices to be displayed requesting patrons to respect local residents and leave the premises quietly.
- 14 Car Park Staff are to use their best endeavours to ensure patrons leave quietly.
- 15 Local Taxi numbers shall be available for customer to assist in ordering a taxi.
- 16 Entry by children under the age of 18 to the premises is prohibited unless accompanied by an adult.
- 17 The premises will prominently display appropriate signage indicating that it is an offence to buy or attempt to buy alcohol for a person who is under 18 and for a person under the age of 18 to buy or attempt to buy alcohol.
- 18 Management will take all necessary steps to ensure that any noise from the premises, shall not be at a level which could cause a noise nuisance at the boundary of the nearest residential premises.
- 19 Tamper-proof noise limiting devices shall be fitted to the sound systems within the premises and all amplified music played at the premises must pass through this sound limiter at a level agreed in advance with the Council's Environmental Health Office. The noise limiters shall not be altered without prior agreement with Environmental Health.
- 20 No Equipment shall be used at the premises which includes the use of subwoofers.
- 21 While live or recorded music takes place, the Licensee of management shall undertake regular monitoring of noise levels at the nearest noise sensitive locations or other representative positions to be agreed.
- 22 A written record shall be maintained of all noise assessments and shall include: the time and date of the checks, the person making them, location of the assessment and the results including any

remedial action taken to reduce the level of noise where required. Records shall be kept for no less than six months and shall be made available upon request by a Police Officer or an Authorised Officer of the Local Authority.

- 23 Management will give careful consideration to the type of performers hired at the location. All externally-contracted performers will be asked to sign a document ensuring that Management retain effective control over all sound levels.
- 24 There will be no external speakers for the use of amplified music, speech or dance permitted in the open air.
- 25 All external windows and doors shall be closed whilst regulated entertainment is taking place, except for normal access and egress or in case of emergency.
- 26 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 27 Trouthall Lane will only be used for access purposes, but never for egress.
- 28 There shall be no firework displays at the premises without prior written consent from the Licensing Authority.
- 29 The plan of the premises be amended to include only Holford Hall Barn.

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

The meeting commenced at 10.00 am and concluded at 4.38 pm

Councillor W S Davies (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Thursday, 16th July, 2015 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor W S Davies (Chairman)

Councillors D Bebbington, L Smetham, G Wait and J Wray

OFFICERS IN ATTENDANCE

Kim Evans, Licensing Team Leader
Jim Hopper, Licensing Officer
Martin Kilduff, Licensing Officer
Aoife Ryan, Lawyer
Julie Zientek, Democratic Services Officer

1 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor S Davies 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 15-16/1 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew 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 to renew a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the case.

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 at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for the renewal of a licence be granted.

6 15-16/3 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew 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 to renew a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the case.

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 Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for the renewal of a Joint Hackney Carriage/Private Hire Driver Licence be refused.

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

7 15-16/5 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew 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 to renew a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant and a representative of the applicant attended the hearing and made representations in respect of the case.

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 Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for the renewal of a Joint Hackney Carriage/Private Hire Driver Licence be refused.

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

8 15-16/4 - APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/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 case.

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 consideration of the application be deferred to enable the applicant to provide a 5 year address history in the UK and proof of leave to remain in the UK beyond 26 May 2016.

9 **15-16/2 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE**

The Sub-Committee considered a report regarding an application to renew 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 to renew a Hackney Carriage/Private Hire Driver's Licence should be granted.

The applicant was not in attendance at the hearing.

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 Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for the renewal of a Joint Hackney Carriage/Private Hire Driver Licence be refused.

The Sub-Committee noted that the applicant would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 9.30 am and concluded at 1.30 pm

Councillor W S Davies (Chairman)

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Tuesday, 21st July, 2015 at West Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor W S Davies (Chairman)

Councillors I Faseyi, M Parsons, G Wait and M Warren

OFFICERS IN ATTENDANCE

Kim Evans, Licensing Team Leader
Richard Hellon, Licensing Officer
Jim Hopper, Licensing Officer
Mark Jones, Lawyer
Julie Zientek, Democratic Services Officer

10 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor S Davies be appointed Chairman.

11 APOLOGIES FOR ABSENCE

There were no apologies for absence.

12 DECLARATIONS OF INTEREST

Councillor I Faseyi declared that the driver to be considered at agenda item 6 was known to her and that she would withdraw from the meeting during consideration of this item.

13 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.

14 15-19/6 - APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/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 and a representative of the applicant attended the hearing and made representations in respect of the case.

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 Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a Joint Hackney Carriage/Private Hire Driver Licence be refused.

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

15 15-16/7 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE AND A PRIVATE HIRE OPERATOR'S LICENCE

The licence holder was not in attendance at the hearing.

The Sub-Committee RESOLVED that consideration of this matter be deferred to its next meeting, to allow the licence holder to attend.

16 15-16/8 - CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE

The Sub-Committee considered a report regarding an application to renew 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 to renew a Hackney Carriage/Private Hire Driver's Licence should be granted.

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

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 at this time a fit and proper person to hold a Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for the renewal of a licence be granted.

17 15-16/9 - 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 supporter of the licence holder attended the hearing and made representations in respect of the case.

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 is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and that the licence be revoked with immediate effect.

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

The meeting commenced at 9.30 am and concluded at 2.50 pm

Councillor W S Davies (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **General Licensing Sub-Committee**
held on Thursday, 13th August, 2015 at East Committee Room - Municipal
Buildings, Earle Street, Crewe, CW1 2BJ

PRESENT

Councillor W S Davies (Chairman)

Councillors E Brooks, M Parsons, G Wait and M Warren

OFFICERS IN ATTENDANCE

Kim Evans, Licensing Team Leader
Jim Hopper, Licensing Officer
Aoife Ryan, Lawyer
Julie Zientek, Democratic Services Officer

18 APPOINTMENT OF CHAIRMAN

RESOLVED – That Councillor S Davies be appointed Chairman.

19 APOLOGIES FOR ABSENCE

There were no apologies for absence.

20 DECLARATIONS OF INTEREST

There were no declarations of interest.

21 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.

22 15-16/10 REVIEW OF A HACKNEY CARRIAGE VEHICLE LICENCE

The Sub-Committee considered a report regarding a Hackney Carriage Vehicle Licence.

The Sub-Committee was informed that this 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 consider the validity of the Hackney Carriage Vehicle Licence.

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

After a full hearing of the matter, 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 validity of the licence be confirmed.

23 15-16/12 APPLICATION FOR THE GRANT OF A JOINT HACKNEY CARRIAGE/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 case.

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 Joint Hackney Carriage/Private Hire Driver's Licence, and that the application for a Joint Hackney Carriage/Private Hire Driver Licence be refused.

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

24 15-16/11 CONSIDERATION OF FITNESS TO HOLD A JOINT HACKNEY CARRIAGE/PRIVATE HIRE DRIVER LICENCE AND A PRIVATE HIRE OPERATOR'S LICENCE

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

The licence holder was not in attendance at the hearing.

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 is no longer a fit and proper person to hold a Hackney Carriage/Private Hire Driver's Licence and a Private Hire Operator's Licence, and that both licences be revoked with immediate effect.

The Sub-Committee noted that the Licence Holder would be reminded of the right to appeal this decision to the Magistrates' Court within 21 days.

The meeting commenced at 9.30 am and concluded at 11.40 am

Councillor W S Davies (Chairman)

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CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting:	16 th November 2015
Report of:	Miss Kim Evans – Licensing Team Leader
Subject/Title:	Proposed changes to the joint Hackney Carriage and Private Hire Driver knowledge test
Portfolio Holder:	Cllr Les Gilbert – Communities

1.0 Report Summary

- 1.1 To seek Members' approval for changes to the testing requirements of applicants for joint Hackney Carriage and Private Hire Driver Licenses.

2.0 Recommendation

- 2.1 That Members consider the proposed changes to the Council's knowledge test and retest fee and resolve that the Licensing Team Leader be given delegated authority to consult on the proposals by publishing them on the Council's website for 4 weeks.

3.0 Reasons for Recommendations

- 3.1 The Licensing Committee has delegated authority to determine such matters in accordance with the Council's Constitution.

4.0 Wards Affected

- 4.1 All

5.0 Local Ward Members

- 5.1 All

6.0 Policy Implications

- 6.1 None

7.0 Financial Implications

- 7.1 The purpose of the paper is to authorise consultation on changes to the way the knowledge fee is levied and the potential that a retest fee is charged. Depending on the results of the consultation, a further paper will consider whether there will be any changes to the licence fee and whether any payments are made separately.

8.0 Legal Implications

- 8.1 Section 46 of the Town Police Clauses Act 1847 provides local authorities the power to issue Hackney Carriage driver's licences. Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') provides the authority to issue licences to drive private hire vehicles.
- 8.2 The provisions of section 59 (1) (a) (in relation to hackney carriage drivers licences) and section 51 (1) (a) (in relation to private hire drivers licences) of the 1976 Act state that a council shall not grant a licence 'unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence'.
- 8.3 What constitutes fit and proper is not defined in the Town Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976. Similarly, there is no judicially approved test of fitness and propriety.
- 8.4 To assist the Licensing Authority in determining whether an applicant is fit and proper a number of processes are conducted, namely:
- Completion of the Council's application form
 - Satisfactory enhanced Disclosure and Barring Certificate
 - Satisfactory driving record
 - Medical assessment
 - Knowledge test
- 8.5 Sections 53 and 70 of the Local Government (Miscellaneous Provisions) Act 1976 allow the Licensing Authority to charge fees for the grant of licences in respect of hackney carriage and private hire drivers, vehicles, and operators. The fees must be set for these licences on the basis that it only recovers costs which it is entitled statutorily to recover. Where no licence is granted the fee for the grant of licence must be refunded or not levied.
- 8.6 In respect of drivers' licences the Act states that the Council may charge, 'such a fee as it considers reasonable with a view to recovering the costs of issue and administration associated with the grant of Hackney Carriage and Private Hire drivers' licences'.
- 8.7 In *Darlington v Kaye* [2004] EWHC 2836 (Admin) it was held that the requirement by the local authority that the respondent pass a Driving Standards Agency taxi test before it would consider renewing his hackney carriage licence was not a condition attached to the grant of the licence but a request for information. It was reasonably necessary for the Local Authority to request such information in order to assess whether the respondent was a fit and proper person for a licence. This same view could be taken with a local knowledge test.

9.0 Risk Management

- 9.1 Thorough consideration of all the information prior to making a decision will reduce any risk of a successful challenge.

10.0 Background

- 10.1 On the 5th November 2012 the Licensing Committee gave Officers the delegated authority to review, update and amend the driver knowledge test, including the consideration and implementation of an appropriate numeracy/language skills test.
- 10.2 Following that decision, the Licensing Team researched the testing arrangements of a number of Licensing Authorities across the country. This research included our neighbours at Cheshire West and Chester, Stoke-on-Trent and colleagues at Manchester City Council.
- 10.3 It became evident that the testing arrangements in place within the Borough fell short of the standards required by other Licensing Authorities. This makes Cheshire East vulnerable to applicants from outside the Borough and who have failed the requirements of other Licensing Authorities.
- 10.4 This vulnerability is exacerbated by recent case law that allows a licensed vehicle to be used for pre-booked work throughout England and Wales. Members are aware that we have seen an increase in the number of applications being made by residents of North Manchester.
- 10.5 It was confirmed that many Licensing Authorities are requiring applicants for driver licenses to undergo a more formal testing process. This includes the attainment of a national accredited and recognised qualification.
- 10.6 Accordingly, following appropriate consultation the Licensing Committee resolved that all applicants would be required to undertake a professional qualification in addition to taking a local knowledge test.

10.7 Our current knowledge test

- 10.7.1 The Council's current knowledge test is 45 minutes long and in two parts:

Geographical Knowledge	10 written questions (from a choice of 15)	Pass mark 8
Taxi legislation & Local Conditions	25 multiple choice questions	Pass mark 21

- 10.7.2 The Licensing Team records the pass figure, which is currently 29%. Applicants have two attempts at the tests per application.
- 10.7.3 The fee of £228.00 is levied for the grant of a licence so, where no licence is granted a refund of £180.00 is given (this is the fee minus the amount used for the Disclosure and Barring check) and therefore does not take into account any administrative work undertaken as part of an unsuccessful application process

10.8 Proposed Changes

10.8.1 Officers have reviewed the test and consider that the test would benefit from being one hour long with additional questions based on the Highway Code. It is suggested that the test would consist of:

Geographical Knowledge	10 written questions (from a choice of 15)	Pass mark 8
Taxi legislation & Local Conditions	25 multiple choice questions	Pass mark 21
Highway code	15 multiple choice questions	Pass mark 11

10.8.2 Since 01/04/2015 there have been 49 complaints from the public made against taxi drivers and 11 of them could be considered matters covered by the Highway Code (e.g. going through a red/amber light, poor standard of driving and bald tyres). After breaches of the Council's conditions this is the second most common reason for a complaint.

10.8.3 It would therefore be appropriate for the Council to test applicants on their knowledge of the rules and regulations of driving before a licence is granted.

10.8.4 Where an application is closed or withdrawn following two failed attempts at the knowledge test, the fee paid (less DBS costs) is refunded to the applicant. This means that the cost of the knowledge test process in these cases is actually being met by all successful applicants. Levying a separate fee will reduce the need to increase taxi driver fees generally to accommodate these costs, and may also minimise speculative applications by those who would find it difficult to pass the test but who have nothing to lose by doing so under the current arrangements.

10.8.5 Therefore, the Committee is requested to consider proposals to separately levy a fee for knowledge tests that would be charged separately from the fee for a grant of a licence. This change would mean that the charge for the test(s) would not be refunded if a licence is not granted.

10.8.6 If no changes to the test are made the fee can be broken down as:

Action	Time	Costs (average costs per hour - £13.36)
Issuing of letters of invite and result and updating the system accordingly and dealing with telephone bookings	60 minutes Second class post of two letters per applicant	£13.36 £1.08
Test paper and room preparation	60 minutes	£13.36
Conducting and Invigilating test (two officers)	60 minutes (divided by ten applicants)	£2.67
Marking test paper (including verification)	30 minutes per applicant	£6.68

Total		£37.15
Suggested fee		£38.00

10.8.7 If the Committee is minded to change the knowledge test as proposed this would change the fee break down:

Action	Time	Costs (average costs per hour - £13.36)
Issuing of letters of invite and result and updating the system accordingly and dealing with telephone bookings	60 minutes Second class post of two letters per applicant	£13.36 £1.08
Test paper and room preparation	60 minutes	£13.36
Conducting and Invigilating test (two officers)	90 minutes (divided by ten applicants)	£3.96
Marking test paper (including verification)	35 minutes per applicant	£7.70
Total		£39.46
Suggested fee		£40.00

10.8.8 The suggested fee is higher than the breakdown as there are some costs associated with the process that are insignificant if looked at separately. For example, we can accommodate 10 applicants taking the test at a time and this is reflected in the charge for this process being divided by 10. However, there are occasions where the sessions are run below this figure because applicants fail to attend. The above figures also do not include apportionments for general costs that the service meets and no costs for room hire or contacting applicants for responses to correspondence. Similarly, the hourly rate figure used is likely to be less than the actual cost incurred. This is because different aspects of the process are undertaken by officers on different pay grades.

10.9 Insofar as possible the Licensing Service should run on a cost neutral basis, that is where a fee can be levied to cover the costs of the service provided it should be.

10.10 Additionally, if applicants are failing tests and require resits, the cost of that process should be met by the applicant rather than being subsidised by applicants who go through the process without needing to resit tests.

11.0 Access to Information

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

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CHESHIRE EAST COUNCIL

Licensing Committee

Date of Meeting: 16th November 2015
Report of: Miss Kim Evans – Licensing Team Leader
Subject/Title: Revised Statement of Gambling Principles
Portfolio Holder: Cllr Les Gilbert – Communities

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 2016. In preparing a revised statement the Council must undertake a consultation exercise with stakeholders.
- 1.3 The Licensing Committee previously considered the draft statement (appendix 1) on the 8th June 2015 prior to consideration by the relevant Cabinet Member and public consultation.

2.0 Recommendation

- 2.1 That the Committee considers the responses to the consultation detailed at appendix 2 (Responsible Authorities and Public) and appendix 3 (responses on behalf of the licensed trade) and make any changes to the current draft policy document that they deem appropriate.
- 2.2 That the Committee approves a final draft of the statement for the consideration of the Council's Cabinet prior to its presentation to Full Council.
- 2.3 If Members are minded to change aspects of the statement in light of the responses, consideration should also be given to re-consulting on those changes if they are deemed a significant change.

3.0 Reasons for Recommendations

- 3.1 The statement of principles under the Gambling Act 2005 forms part of the Council's Policy Framework and it is necessary for it to be considered by this Committee.

4.0 Wards Affected

4.1 All

5.0 Local Ward Members

5.1 All

6.0 Policy Implications

6.1 The Council is required to revise and adopt a Statement of Gambling Principles every three years.

7.0 Financial Implications

7.1 None identified

8.0 Legal Implications

8.1 By virtue of section 349 of the Gambling Act 2005 ('the 2005 Act') the Licensing Authority is required 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. Statements must usually be revised and published in respect of every period of three years, that being 2016 – 2019.

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 Statement of Principles 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 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.

- 8.6 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 Compliance with the provisions of section 349 of the 2005 Act and the 2006 Regulations, having regard to the provisions of the Guidance, compliance with the Budget & Police Framework Procedure Rules, and 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

- 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 2013 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 minor amendments, changes in legislation or practices (such as specific sections on the splitting of premises and primary gambling activity) and takes into account the request from the Gambling Commission that Licensing Authorities prepare a local area assessment.
- 10.3 The revised statement was considered by this Committee on the 8th June 2015 who approved the content. The revised policy was considered by the Cabinet Member for Communities on the 20th July 2015. The Committee and Cabinet Member approved the content and confirmed it was appropriate to be consulted upon.
- 10.4 The consultation was conducted between 24th August 2015 and 21st September 2015. This consultation was conducted by:
1. Placing a Notice confirming the consultation on the Council's website
 2. Placing a Notice confirming the consultation at the Council's principal offices (ie Westfields, Macclesfield Town Hall and Delamere House).
 3. Notification to all premises licence holders
 4. Notification to all Responsible Authorities

5. Notification to the Town and Parish Councils
6. Notification to various gambling support groups and charities
7. Notification to the Council's Public Health and Safeguarding Teams

- 10.5 The statement was also considered by the Council's Communities Overview and Scrutiny Committee on the 24th September 2015 who confirmed their support for the content.
- 10.6 The Council is required to discharge its responsibilities under the Act with a view to promoting the three licensing objectives:
- 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.
- 10.7 Within the last three years, the period the Council's current statement has principles has been in operation, there has been no significant increase or decrease in the number of premises requiring a gaming permit or a premises licence.
- 10.8 Section 153 of the Gambling Act 2005 provides that, in exercising its functions under Part 8 of the Act, a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:
- i. In accordance with any relevant code of practice under section 24 of the Gambling Act 2005 (i.e. the Licence conditions and codes of practice prepared by the Gambling Commission)
 - ii. In accordance with any relevant guidance issued by the Commission under section 25 of the Gambling Act 2005
 - iii. Reasonably consistent with the Licensing Objectives, and
 - iv. In accordance with the Licensing Authority's Statement of Licensing Principles.
- 10.9 Section 153 also makes it clear that in deciding whether or not to grant a licence, a Licensing Authority must not have regard to the expected demand for gambling premises that are the subject of the application
- 10.10 Similarly, section 210 (1) of the Gambling Act 2003 states that 'in making a decision in respect of an application...a licensing authority should not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with law relating to planning or building'.

- 10.11 The Licensing Authority can only consider matters within the scope of the Gambling Act, Guidance and associated Codes of Practice and cannot become involved in the moral issues relating to gambling.
- 10.12 Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with this Guidance, any relevant Commission code of practice, its own statement of licensing policy, and the licensing objectives.
- 10.13 In reviewing the statement of principles we have considered (amongst other things):
- The promotion of the three licensing objectives
 - The guidance issued under Section 25 of the Gambling Act 2005 and the update guidance that was prepared by the Gambling Commission and subject to consultation of its own during this review
 - The Council's current Statement of Gambling Principles 2012 (we have said 2013 earlier – is this just an approval date?)
 - Equality legislation and requirements
- 10.14 It is necessary for this Committee to carefully consider the responses received to the consultation and make appropriate and relevant changes and approve a final draft for the consideration of Cabinet and Full Council.

11.0 Access to Information

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

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Cheshire East Council

Statement of Gambling Principles

Gambling Act 2005

January 2016 to January 2019

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Appendices

- Appendix 1 Cheshire East Area Profile
- Appendix 2 Summary of gaming machine categories and entitlements
- Appendix 3 Summary of machine provisions by premises
- Appendix 4 Summary of gaming entitlements for clubs and alcohol-licensed premises
- Appendix 5 Scheme of Delegation

Appendices 1 - 5 are included to provide further information to those interested in these matters. As the information contained within these appendices are subject to change by Central Government, they are not to be considered a part of the Statement of Principles required by section 349 of the Act. They will be subject to reasonable amendment to ensure that they remain accurate and correctly reflect the appropriate entitlements. Any amendment of this nature will not be considered a review of the Statement. As such the requirements for consultation will not apply.

1 Introduction

- 1.1 This Statement of Gambling Principles is published by Cheshire East Council, as the Licensing Authority, in accordance with Section 349 of the Gambling Act 2005. The Act requires the Licensing Authority to prepare and publish a Statement of Principles which sets out the policies that the Licensing Authority will generally

apply to promote the Licensing Objectives when making decisions on applications made under the Act.

- 1.2 The Licensing Authority 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 In exercising most of its functions under the Act, the Licensing Authority must have regard to the Licensing Objectives as set out in section 1 of the Act. The Licensing Objectives are:
 - Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.4 As required by the Gambling Act 2005, the draft Statement of Principles was subject to formal consultation with:
 - Cheshire Constabulary
 - Representatives of those carrying on gambling businesses within the Borough of Cheshire East.
 - Representatives of those persons likely to be affected by the exercise of the Licensing Authority's functions under the Act

2 General Principles

- 2.1 The Licensing Authority recognises the need to avoid, so far as possible, duplication of existing legislation and other regulatory regimes.
- 2.2 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.
- 2.3 Nothing in this Statement 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.
- 2.4 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.
- 2.5 The Licensing Authority also recognises that the location and proximity of premises to be used for gambling to other premises such as, for example, schools and 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.

2.6 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.

2.7 In carrying out its licensing functions under the Act the Licensing Authority will aim to permit the use of premises for gambling as long as it is considered to be:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission
- In accordance with any relevant Guidance issued by the Gambling Commission in accordance with this Statement of Principles, and
- Reasonably consistent with the licensing objectives

3 Gambling Prevalence and Problem Gambling

3.1 In 2010 NatCen's British Gambling Prevalence Survey showed that 73% of the population, had participated in some form of gambling in the past year with 56% of the population participating in some form of gambling other than the National Lottery.

3.2 The most popular gambling activities are:

Type	% of adult population
National Lottery	59%
National Lottery scratch cards	24%
Betting on horse races	16%
Playing slot machines	13%
Online gambling	5%
Placed bets by internet	4%
Fixed Odds Betting Terminals	4%
Gambled in a casino	4%

3.3 Men were more likely to gamble than women (75% compared with 71%). People in higher income households were more likely to gamble; 72% in the highest income households; 61% in the lowest income households. Those with higher levels of education were less likely to gamble; 61% of those with a degree gambled compared with 73% who were educated to GCSE/O level equivalent.

3.4 Gambling participation was lowest among the youngest and oldest age groups and highest among those aged 44-64.

3.5 Gambling prevalence rates were highest among those who were either married or had been married (75%), respondents who were White/White British (76%), those whose highest educational attainment was GCSEs or equivalent (76%) or had other qualifications (78%), those from lower supervisory/technical households (79%), those in paid work (78%), those with the highest personal income (79% for the 4th income quintile and 76% for the highest income quintile) and those living in the East Midlands (80%).

- 3.6 Two measures of problem gambling showed rates of problem gambling in the general population of 0.9% and 0.5%. A significant association was found between problem gambling and being a young male with parents who gambled. It was also associated with smoking and poor health.
- 3.7 The GamCare Annual Review 2013/2014 shows that there has been a reduction in the number of inbound calls made to their Help Line compared to the 2012/2013 figures (30,648 in 2013/2014 and 32,733 in 2012/2013). Similarly, the number of 'chat hours' offered fell from 699 in 2012/2013 to 499 in 2013/2014. However, there was an increase in the number of unique visits to their website.
- 3.8 GamCare's Annual Review reiterates that when gambling becomes a problem it can have devastating repercussions on a person's everyday life and functioning. For many clients who come to GamCare for counselling, this may mean the breakdown or near breakdown of their relationships, damage to their physical and psychological health and substantial financial loss and debt. It should be acknowledged that the harm caused by problem gambling extends beyond the problem gambler themselves to include their family and friends.

4 Cheshire East Area Profile

- 4.1 Cheshire East's administrative area contains the industrial town of Crewe, the old mill towns of Macclesfield, Bollington and Congleton, the market towns of Alsager, Nantwich, Knutsford and Sandbach, the salt town of Middlewich, the town of Wilmslow as well as the smaller settlements of Holmes Chapel and Poynton.
- 4.2 A full profile of the Borough is set out at Appendix 1.
- 4.3 As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that none is exploited or harmed by gambling.

5 The Gambling Act 2005

- 5.1 Gambling is defined in the Act as either gaming, betting, or taking part in a lottery.
- Gaming means playing a game of chance for a prize
 - Betting means making or accepting a bet on the outcome of a race, competition, or any other event ; the likelihood of anything occurring or not occurring; or whether anything is true or not
 - A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance
- 5.2 The Act provides for three categories of licence:
- Operating licences
 - Personal licences

- Premises licences

5.3 In accordance with the Act, the Gambling Commission has responsibility for issuing operating and personal licenses and the Licensing Authority is responsible for issuing premises licenses.

5.4 The main functions of the Licensing Authority, and the functions subject to this Statement, are:

- Licence premises for gambling activities
- Grant permits for gambling and gaming machines in clubs
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming
- Consider notices given for the temporary use of premises for gaming
- Consider occasional use notices for betting at tracks
- Register small societies lotteries

5.5 It should be noted that:

- Spread betting is regulated by The Financial Services Authority
- Remote (on-line) gambling is dealt with by the Gambling Commission
- The National Lottery is regulated by The National Lottery Commission (which merged with the Gambling Commission in October 2013)

5.6 This Statement of Principles relates to all those licensable premises, notices, permits and registrations identified as falling within the provisions of the Act, namely:

- Casinos
- Bingo Premises
- Betting Premises
- Tracks
- Adult Gaming Centres
- Family Entertainment Centres
- Club Gaming and Club Machine Permits
- Prize Gaming and Prize Gaming Permits
- Temporary and Occasional Use Notices
- Registration of small society lotteries

5.7 The Categories of Gaming Machine Regulations 2007 (as amended) define four classes of gaming machine, categories A, B, C and D, with category B divided into a further 5 sub-categories. A full list of the categories of Gaming Machine, together with the current maximum stakes and prizes, is set out in Appendix 2.

5.8 A breakdown of automatic entitlements in gambling premises is set out appendix 3 and a break down of automatic entitlements in alcohol licensed premises is set out at appendix 4.

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. For the purposes of sections 157 and 349 of the Gambling Act 2005, the following are responsible authorities in relation to premises in Cheshire East:

- The licensing authority in whose area the premises are wholly or mainly situated
- The Gambling Commission
- Cheshire Constabulary as the police authority
- Cheshire Fire & Rescue Service as the fire and rescue authority
- The Planning Authority (Cheshire East Council)
- Environmental Health Service (Cheshire East Council)
- A body designated in writing by the licensing authority to advise about the protection of children from harm
- Her Majesty's Revenue and Customs
- Any other person prescribed, for the purposes of Section 157 of the Act, by regulations made by the Secretary of State.

6.2 The Licensing Authority will apply the following principles when designating, in writing, a body which is competent to advise the authority about the protection of children from harm:

- 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

6.3 Therefore the Licensing Authority will continue to designate the Cheshire East Local Safeguarding Children Board for the purpose of advising it on the protection of children from harm.

6.4 Section 211(4) of the Act provides that in relation to a vessel, but to no other premises, responsible authorities should also include navigation authorities within the meaning of section 221(1) of the Water Resources Act 1991 that have statutory functions in relation to the waters where the vessel is usually moored or berthed or any waters where it is proposed to be navigated at a time when it is used for licensable activities. These would include:

- The Environment Agency
- The British Waterways Board
- The Secretary of State acting through the Maritime and Coastguard Agency

6.5 The contact details of all the Responsible Bodies under the Gambling Act 2005 will be available on the Licensing Authorities website.

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:

- Lives sufficiently close to the premises to be likely to be affected by the authorised activities, or

- Has business interests that might be affected by the authorised activities, or
- Represents persons in either of the two groups above

7.2 In determining whether someone lives sufficiently close to a particular premises so as to be affected the Licensing Authority will take into account, among other things:

- The size of the premises
- The nature of the premises
- The distance of the premises from the person making the representation
- The nature of the complainant
- The potential impact of the premises

7.3 In determining whether a person has a business interest which could be affected the Licensing Authority will consider, among other things:

- The size of the premises
- The catchment area of the premises, and
- Whether the person making the representation has business interests in the catchment area that might be affected

7.4 Business interests will be given a wide interpretation and could include for example partnerships, faith groups and medical practices.

7.5 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.

7.6 Trade associations, trade unions, residents' and tenants' associations will not, however, generally be viewed 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.

7.7 Representatives of interested parties may include MPs, Ward Councillors and Parish Councillors. Residents' and tenants' associations, trade unions and trade associations may also represent interested parties if they have members living sufficiently close to the premises. Except in the case of Councillors or MPs representing the ward or wards likely to be affected, when written evidence will be required that a person or body represents an interested party.

7.8 If individuals approach Ward Councillors or Parish Councillors, care should be taken that the Councillor is not a member of the Licensing Committee or Licensing Act Sub-Committee, which will deal with the application, nor has a prejudicial interest which would prevent them from addressing the Committee or Sub-Committee. If there is any doubt, advice should be sought from the Legal Team or Licensing Team.

7.9 Details of those persons making representations will be made available to applicants and, in the event of a hearing being held, will form part of a public document (including publication on the Council's website).

8 Premises Licences

- 8.1 Premises can be 'any place' but the Act prevents more than one premises licence applying to any one place. A single building could be subject to more than one premises licence provided they are for different parts of the building and those parts can be genuinely regarded as being different 'premises'.
- 8.2 There are particular requirements for entrances and exits from parts of a building covered by one or more licences to be separate and identifiable so that the separation of the premises is not compromised and that people are not allowed to 'drift' accidentally into a gambling area. The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 set out the access provisions for each type of premises.
- 8.3 A licence to use premises for gambling will normally be issued only in relation to premises that are ready to be used for gambling. Where premises have not yet been constructed, an applicant may apply for a provisional statement – See Section 20.
- 8.4 An application for a premises licence may only be made by persons who have a right to occupy the premises.
- 8.5 Except in the case of a betting track premises licence, an application for a premises licence can only be made by a person who either holds an operating licence authorising him to carry on the activity in respect of which a premises licence is sought, OR has made an application for an operating licence which has not yet been determined.
- 8.6 When considering applications for premises licences the licensing authority cannot take into consideration the expected 'demand' for facilities. It should also be noted that moral objections to gambling are not a valid reason to reject applications.
- 8.7 Applications for the grant, transfer or variation of a Premises Licence should be accompanied by an assessment that demonstrates how the applicant will promote all the Licensing Objectives.
- 8.8 Premises licences granted must be reasonably consistent with the licensing objectives as follows:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- 8.9 The Gambling Commission will be taking a leading role in preventing gambling from being a source of crime.
- 8.10 The Gambling Commission will deal with Operating Licences and Personal Licences so the Licensing Authority will not be concerned about the suitability of an applicant. If concerns arise about a person's suitability, the Licensing Authority will bring those concerns to the attention of the Commission.
- 8.11 The Licensing Authority will take into consideration the proposed location of gambling premises in terms of this Licensing Objective. Where an area has known

high levels of organised crime, the Licensing Authority will consider carefully whether gambling premises are suitable to be located there.

- 8.12 Where appropriate, conditions may be attached to a premises licence requiring the provision of door supervisors. For example, if the premises cannot be adequately supervised from the counter, door supervision may be necessary.
- 8.13 There is a distinction between disorder and nuisance. The Licensing Authority will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see or hear it in determining that distinction. It should be noted that issues of nuisance cannot be addressed under the Act.

Ensuring that gambling is conducted in a fair and open way

- 8.14 The Gambling Commission does not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will either be a matter for the management of the gambling business or will relate to the suitability and actions of an individual. Both issues will be addressed by the Commission through the Operating and Personal Licensing regime.
- 8.15 Because betting track operators do not need an operating licence from the Commission the Licensing Authority may, in certain circumstances, require conditions to ensure that the environment in which betting takes place is suitable.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- 8.16 Apart from one or two limited exceptions, the intention of the Act is that children and young persons should not be allowed to gamble and should therefore be prevented from entering gambling premises which are 'adult-only' environments.
- 8.17 In practice, steps will generally be taken to prevent children from taking part in, or being in close proximity to, gambling. There may also 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.
- 8.18 The Licensing Authority will not normally grant a premises licence for premises which are located close to schools.
- 8.19 When considering whether to grant a premises licence or permit the Licensing Authority will consider whether any measures are necessary to protect children, such as the supervision of entrances, the segregation of gambling from areas frequented by children and the supervision of gaming machines in non-adult gambling specific premises, such as pubs, clubs, betting tracks etc.
- 8.20 The Act does not define the term 'vulnerable persons' but the Licensing Authority considers that this will include people who gamble more than they want to, people who gamble beyond their means, and people who may not be able to make informed or balanced decisions about gambling, perhaps due to a learning disability, the state of their mental health or the effects of alcohol or drugs.

- 8.21 Licence Holders will be expected to make information publicly available about organisations that can provide advice and support, both in relation to gambling itself and to debt e.g. GamCare, Gamblers Anonymous, Gordon House Association, National Debtline, local Citizens Advice Bureau and relevant independent advice agencies.
- 8.22 The Licensing Authority is aware of the general concern surrounding betting machines that permit high volumes of betting activity by individuals, for example Fixed Odds Betting Terminals (FOBTs). Applicants should consider where such betting machines are located and monitor use to ensure excessive gambling does not take place. The Licensing Authority is also aware that Central Government is taking steps to change the category of use of betting shops under planning legislation.

9 Adult Gaming Centres

- 9.1 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 premises.
- 9.2 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 posters and/or information leaflets and helpline numbers/website addresses for organisations such as GamCare, Gamblers Anonymous, Gordon House Association, National Debtline and local Citizens Advice Bureau and other relevant independent advice agencies.

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

10 Betting Premises (other)

- 10.1 The Licensing Authority must be satisfied that the primary use of the premises is to operate as a betting premises in accordance with the principles outlined in paragraph 16 of this Statement. The applicant will be expected to demonstrate that they can offer sufficient facilities for betting and, unless it does so, should not be making gaming machines available on the premises.
- 10.2 The Licensing Authority will take the following into account when considering the number, nature and circumstances of betting machines an operator wants to offer:
- the size of the premises
 - the number of counter positions available for person-to-person transactions
 - 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

11 Betting Tracks including other sporting venues

- 11.1 Tracks may be subject to one or more than one premises licence, provided that each licence relates to a specified area of the track.
- 11.2 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.
- 11.3 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.
- 11.4 Appropriate licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry
 - Notices / signage
 - Specific opening hours
 - Self-barring schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

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

- 11.6 Where the applicant holds a Pool Betting Operating Licence and is going to use the 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.
- 11.7 The Licensing Authority will consider restricting the number and location of betting machines in respect of applications for track premises licences.
- 11.8 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
- 11.9 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.

12 Bingo Premises

- 12.1 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.
- 12.2 Where category C or above machines are available in premises to which children are admitted the Licensing Authority will expect applicants to demonstrate that there will be sufficient measures in place to ensure that:
- all such machines are located in an area of the premises 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 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
 - 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
- 12.3 The Licensing Authority will take account of any guidance 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 and appropriate conditions will be attached to the premises licence.

13 Casinos

- 13.1 This Licensing Authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005 but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, this Statement of Principles will be updated. Any such decision must be made by the full Council.
- 13.2 This Licensing Authority is not currently able to issue premises licences for casinos. Should the Government propose that more casinos can be licensed in the future, the Licensing Authority will review its position and this Statement of Principles will be updated.

14 (Licensed) Family Entertainment Centres

- 14.1 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.
- 14.2 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 Bureau.
- 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.

15 Licence Conditions

15.1 There are three types of conditions that can be attached to premises licences:

- Mandatory – Conditions prescribed in regulations made by the Secretary of State which must be attached
- Default – Conditions prescribed in regulations made by the Secretary of State which will be attached unless specifically excluded by the Licensing Authority
- Conditions attached by the Licensing Authority

15.2 Any conditions imposed by the Licensing Authority will be appropriate, proportionate and will be:

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

15.3 Applicants are encouraged to offer their own suggested conditions to demonstrate how the Licensing Objectives can be met.

15.4 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)
- conditions in relation to stakes, fees, winnings or prizes

15.5 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.

15.6 Door supervisors employed in house 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. The Licensing Authority will also expect door supervisors employed at casinos or bingo premises to have a clear Disclosure and Barring check over the previous three years prior to their employment at the casino or bingo premises.

16 Primary Gambling Activity

16.1 The primary activity of each premises licence type is specified on the premises licence when it is issued. Section 150 of the Gambling Act 2005 authorises the provision of gambling facilities for the following types of premises licences:

- Casino premises
- Bingo premises
- Betting premises, including tracks and premises used by betting intermediaries
- Adult gaming centre premises (for category C and D machines)
- Family entertainment centre premises (for category C and D machines) (note that, separate to this category, the Licensing Authority may issue family entertainment centre gaming machine permits, which authorise the use of category D machines only).

16.2 In betting premises the primary activity will be betting, with gaming machines as an ancillary offer on the premises. The Commission have provided information relating to the primary gambling activity. This guidance sets out the requirements on the operator to ensure that their premises operate within the terms of the Act and the relevant conditions. It should be noted that the Act does not permit a premises to be licensed for more than one gambling activity.

16.3 The Licensing Authority will take decisions in accordance with the Commission's guidance and codes of practice on primary gambling activity, and will have regard to the advice which it issues from time to time, and will expect applicants to operate premises in line with the Commissions Guidance and conditions on their operator licence. The Licensing Authority will monitor the operation of premises and report any potential breach of operating licence conditions to the Commission. Applications for new premises licences, or to vary an existing licence, will be expected to be clear that the premises are intended to be used for the primary gambling activity proposed. For example a betting (other) premises licence application that only has 4 gaming machines but no betting counter or associated betting facilities shown on the proposed plans, will not be considered as offering the primary gambling activity in accordance with that indicated on the application.

17 Buildings divided into more than one premises

17.1 The Guidance states that a building can, in principle, be divided into more than one premises, and subject to more than one premises licence provided they are for different parts of the building, and the different parts of the building can be reasonably regarded as being different premises. An example is given of the units within a shopping mall, where each unit is a separate self-contained premises that is contained within one building. It is also possible for licensed premises to be located next to each other. The Licensing Authority will follow this guidance.

- 17.2 Whether different parts of a building can be reasonably regarded as different premises will depend on the circumstances of the individual building and how any division is proposed. To agree to accept applications to grant or vary a licence for a building which has been divided, the Licensing Authority will need to be satisfied that the different premises are genuinely separate premises, and not an artificially created part of what is readily identifiable as a single premises.
- 17.3 In considering whether different areas of a building are genuinely separate premises the Licensing Authority will take into account factors which will include:
- whether there are separate registrations for business rates in place for the premises
 - whether the premises are owned or operated by the same person
 - whether the premises are operated independently of each other

18 Separation of premises within a single building

- 18.1 When considering proposals to divide a building into genuinely separate premises the Licensing Authority will also need to be satisfied that the form of separation between the premises is appropriate.
- 18.2 The separation between one premises and another must be clearly defined. Any barrier used to separate one premises from another must be permanent and constructed so the public cannot go from one premises to another. The Licensing Authority would not, for example, be likely to consider that separation of areas of a building by ropes, or by low level, or moveable partitions to be appropriate.
- 18.3 It may be acceptable for staff working in adjacent premises to have access through barriers between premises to enable them access one premises from the other. The applicant must demonstrate that in providing this staff access there are suitable control measures in place that will ensure the safety and security of staff and that will effectively prevent the public from using the same access point to enter the other premises.

19 Access to premises

- 19.1 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 2007 restrict access to different types of licensed gambling premises. In considering proposals to divide a building into different premises the Licensing Authority will have to be satisfied that proposals to divide buildings are compatible with the mandatory conditions which relate to access between premises.
- 19.2 The requirement and restrictions relating to access are set out in paragraph 7.26 of the Commission's Guidance. In certain circumstances customers are restricted from accessing different types of gambling premises directly from other licensed premises.
- 19.3 The Guidance at paragraph 7.25 states 'There is no definition of "direct access" in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or café), which the public go to for purposes other than gambling, for there to be shown to be no direct access.'

- 19.4 It is the Licensing Authority's opinion that any area which separates licensed premises, and from which those premises can be accessed, must be genuinely separate premises which are habitually and actually used by members of the public other than those using the licensed premises.
- 19.5 The Licensing Authority does not consider that provisions which prohibit direct access between licensed premises are satisfied where licensed premises are separated by an area created artificially within a building principally for members of the public attending the licensed premises, irrespective of whether this area is unlicensed or provides non-gambling facilities, for example refreshments or ATMs.
- 19.6 Where the Licensing Authority is satisfied that a building can be divided into separate premises and properly satisfy the statutory provisions, the Licensing Authority will expect applicants to ensure that:
- Premises are configured so that children are not invited to participate in, have accidental access to, or closely observe gambling to which they are prohibited from taking part
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should be possible to access the premises without going through another licensed premises or premises with a permit
 - Customers should be able to participate in the activity named on the premises licence

This is not an exhaustive list and the Licensing Authority will consider other aspects based on the merits of the application.

20 Provisional Statements

- 20.1 An applicant may apply for a provisional statement in respect of premises expected to be constructed, altered or acquired.
- 20.2 Applications for provisional statements will be dealt with in a similar manner to applications for a premises licence.
- 20.3 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.
- 20.4 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
 - the premises have been constructed or altered otherwise than in accordance with the plans and information included with the application for the provisional statement

21 Reviews of Licences

- 21.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, including the Licensing Authority. However, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- any relevant code of practice issued by the Gambling Commission
 - any relevant guidance issued by the Gambling Commission
 - the Licensing Objectives
 - the Licensing Authority's Statement of Principles
- 21.2 The Licensing Authority may reject an application for review if it thinks that the grounds on which the review is sought:
- are not relevant to the relevant code of practice or guidance issued by the Gambling Commission, the Licensing Objectives or the Licensing Authority's Statement of Principles
 - are frivolous
 - are vexatious
 - 'will certainly not' cause the Licensing Authority to revoke or suspend the licence or to remove, amend or attach conditions on the premises licence
 - are substantially the same as grounds cited in a previous application relating to the same premises (the Licensing Authority will consider the length of time that has passed since the earlier application in deciding whether this is a reasonable reason to reject the review application)
 - are substantially the same as representations made at the time the application for the premises licence was considered. While the licensing authority will consider the length of time that has passed since the representations were made, it will not normally review a licence on the basis of the same arguments considered on the grant of the premises licence
- 21.3 General objections to gambling as an activity are not likely to be considered relevant reasons for a review. Other examples of irrelevant considerations include demand for gambling premises, issues relating to planning, public safety and traffic congestion.
- 21.4 The Licensing Authority itself, as a responsible authority can initiate a review of a particular premises licence, or any particular class of premises licence, for any reason which it thinks is appropriate. This includes reviewing a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them, or to ensure that the principle of primary use is applied.
- 21.5 The Licensing Authority may review any matter connected with the use made of a particular premises if it has reason to believe that the premises licence conditions are not being observed, or for any other reason which gives it cause to believe a review may be appropriate.

- 21.6 A responsible authority or interested party may apply to the Licensing Authority to review a premises licence. Such reviews can be made in relation to, amongst other things:
- if there are repeated incidents of crime and disorder associated with the premises or the gambling activity which the premises operator has failed to adequately address
 - where incidents that have adversely affected one or more Licensing Objectives have occurred at a premises that could have been prevented if advice and guidance from a responsible authority had been heeded
 - if the premises due to the activities being undertaken is either attracting children or people likely to be involved in crime and disorder
- 21.7 As a review of a premises licence can lead to its revocation the Licensing Authority will consider whether informal actions to ensure timely or immediate compliance have been exhausted prior to an application being made. The Licensing Authority accepts that an application for review may be appropriate without informal measures being taken, but will seek to establish that all options have been considered in determining review applications.

22 Permits

- 22.1 Permits regulate gambling and the use of gaming machines in a premises which does not hold a premises licence. They are required when a premises provides gambling facilities but either the stakes are very low or gambling is not the main function of the premises.
- 22.2 The Licensing Authority is responsible for issuing the following permits:
- alcohol licensed premises gaming machine permits
 - club gaming permits and club machine permit
 - prize gaming permits
 - unlicensed family entertainment centre gaming machine permits
- 22.3 The Licensing Authority can only grant or reject an application for a permit and cannot attach conditions. Therefore, the Licensing Authority will consider a number of factors before determining an application for a permit to ensure that the permit holder and the premises are suitable for the proposed gambling activities.

23 (Alcohol) Licensed Premises Gaming Machine Permits

- 23.1 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
 - any code of practice relating to the location and operation of gaming machines is complied with
- 23.2 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
- an offence under the Gambling Act has been committed on the premises

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

23.4 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.

23.5 The Licensing Authority will expect the applicant to demonstrate that there will be sufficient measures to ensure that children and young people 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 that 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, local Citizens Advice Bureau, and any other relevant and independent advice agencies.

23.6 It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

23.7 The Licensing Authority may decide to grant an application with a smaller number of machines and/or a different category of machines than that applied for. No other conditions can be attached to the permit.

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

24 Club Gaming and Club Machines Permits

24.1 Members clubs and Miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a club machine permit. Commercial clubs may apply for a club machine permit. The club gaming permit will enable the premises to provide gaming machines (three machines of categories B, C or D), equal chance gaming, and games of chance as set out in regulations. A club machine permit will enable the premises to provide gaming machines (three machines of categories B4, C or D).

24.2 A club must meet the following criteria to be considered a members' club:

- It must have at least 25 members
- It must be established and conducted wholly or mainly for purposes other than gaming (unless the gaming is permitted by separate regulations)
- It must be permanent in nature
- It must not be established to make a commercial profit
- It must be controlled by its members equally

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

24.3 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
- an objection has been lodged by the Gambling Commission or the Police

24.4 There is also a 'fast-track' procedure available under the Act for premises which hold a club premises certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which a Licensing Authority can refuse a permit are reduced. The grounds on which an application under this 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
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled

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

25 Prize Gaming Permits

25.1 Gaming is prize gaming if the prize is not affected by the number of people playing or the amount paid for or raised by the gaming. Prize gaming may take place without a permit in various premises. These are casinos, bingo halls, adult gaming centres, licensed and unlicensed family entertainment centres and travelling fairs.

- 25.2 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.
- 25.3 It should be noted that there are conditions in the Act with which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day
 - the game must be played and completed on the day the chances are allocated and the result of the game must be made public in the premises on the day that it is played
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize)
 - participation in the gaming must not entitle the player to take part in any other gambling
- 25.4 The Licensing Authority cannot attach any other conditions to this type of permit.
- 25.5 During the application process, the applicant will be expected to set out the types of gaming that they are intending to offer and will also be expected to demonstrate:
- an understanding of the limits to stakes and prizes set out in regulations
 - That the gaming offered is within the law
 - Clear policies that outline the steps to be taken to protect children from harm
- 25.6 The Licensing Authority will only grant a permit after consultation with the Chief Officer of Police. This will enable the Licensing Authority to determine the suitability of the applicant in terms of any convictions that they may have that would make them unsuitable to operate prize gaming, the suitability of the premises in relation to their location, and issues about disorder.
- 25.7 Given that the prize gaming will particularly appeal to children and young persons, the licensing authority will give weight to child protection issues.

26 Unlicensed Family Entertainment Centre (uFEC) Gaming Machine Permits

- 26.1 Where Category D gaming machines are to be provided at premises which do not have a premises licence but will be wholly or mainly used for making Category D gaming machines available for use, an application may be made for a permit.
- 26.2 A uFEC can form a part of larger premises provided it is separate and identifiable.
- 26.3 In exercising its functions in respect of uFEC 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.
- 26.4 The Licensing Authority cannot attach conditions to this type of permit but will consider the following matters in determining the suitability of an applicant for a permit.

26.5 Applicants will be expected to show that there are policies and procedures in place to protect children from harm. These may include appropriate measures and training for staff in dealing with:

- Suspected truant school children on the premises
- Unsupervised young children on the premises
- Children causing problems on or around the premises

26.6 Applicants will be expected to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in uFECs and that staff are trained to have a full understanding of the maximum stakes and prizes.

26.7 Applicants will be required to demonstrate that they have no relevant convictions as set out in Schedule 7 of the Act.

26.8 The Licensing Authority will not normally grant a uFEC permit for premises that are located close to schools.

27 Temporary Use Notices

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

27.2 The Licensing Authority can only grant a Temporary Use Notice to a person or a company holding a relevant operating licence.

27.3 Currently, Temporary Use Notices can only be used to permit the provision of facilities for equal chance gaming, where the gaming is intended to produce a single overall winner.

27.4 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.

27.5 A set of premises may not be the subject of temporary use notices for more than 21 days within a 12 month period.

27.6 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.

28 Occasional Use Notices

28.1 The Licensing Authority has little discretion but to accept occasional use notice at 'tracks'. However the Licensing Authority must ensure that the statutory limit of 8 days in a calendar year is not exceeded. The Licensing Authority will, however, consider the definition of a 'track'. The applicant will also need to demonstrate that

they are responsible for the administration of the 'track' or is an occupier, and therefore permitted to make use of the notice. It should be noted that the definition of track in the Act is wider than dog tracks or horse racecourses and includes places where races or other sporting events take place. This could include major halls, hotels and other venues in Cheshire East. If notices are given for a single track which would permit betting to occur for more than 8 days per year the Licensing Authority has an obligation to issue a counter notice preventing such a breach occurring.

- 28.2 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.
- 28.3 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.

29 Travelling Fairs

- 29.1 The Act defines a travelling fair as 'wholly or principally' providing amusements and they must be on a site that has been used for fairs for no more than 27 days per calendar year. Travelling fairs do not require a permit to provide gaming machines but must comply with legal requirements about the way the machines are operated.
- 29.2 It will fall to the Licensing Authority to decide whether, where category D machines and/ or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.3 The Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair. The Licensing Authority notes the 27 day statutory maximum for the land being used as a fair each calendar year applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The Licensing Authority will monitor any travelling fairs that take place in Cheshire East that offer gambling as an ancillary use to the fair through liaison with the Event Safety Advisory Group. The Licensing Authority will ensure that the 27 day statutory maximum for the land being used is not breached. The Licensing Authority will advise travelling fair operators if requested of the statutory time period remaining for the land they intend to use.

30 Small Society Lotteries

- 30.1 The Licensing Authority is responsible for the registration of small society lotteries.
- 30.2 A society is a non-commercial organisation established and conducted:
- for charitable purposes
 - for the purpose of enabling participation in, or of supporting sport, athletics or a cultural activity

- for any other non-commercial purpose other than that of private gain and the proceeds of any lottery must be devoted to those purposes
- 30.3 The total value of tickets to be put on sale per single lottery must be £20,000 or less or the aggregate value of tickets to be put on sale for all lotteries in a calendar year must not exceed £250,000. If either of these values is exceeded, the society will need to be licensed by the Gambling Commission to operate large lotteries.
- 30.4 Applications for registration must be made in accordance with the Small Society Lotteries (Registration of Non-Commercial Societies) Regulations 2007.
- 30.5 An application may be refused on the following grounds:
- An operating licence held by the applicant for registration has been revoked or an application for an operating licence by the applicant for registration has been refused within the past 5 years
 - The applicant is not a non-commercial society
 - A person who will or may be connected with the promotion of the lottery has been convicted of a relevant offence
 - Information provided in or with the application for registration is found to be false or misleading
- 30.6 Registrations run for an unlimited period, unless the registration is cancelled or revoked.
- 30.7 The limits placed on small society lotteries are as follows:
- At least 20% of the lottery proceeds must be applied to the purposes of the society
 - No single prize may be worth more than £25,000
 - Rollovers between lotteries are only permitted where every lottery affected is also a small society lottery promoted by the same society and the maximum single prize is £25,000
 - Every ticket in the lottery must cost the same and the society must take payment for the ticket before entry into the draw is allowed
- 30.8 No later than three months after each lottery draw, returns must be sent to the Licensing Authority containing the following information:
- The arrangements for the lottery
 - The total proceeds of the lottery
 - The amounts deducted for prizes
 - The amounts deducted for expenses
 - The amount applied to the purposes of the society
 - Whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds and, if so, the amount of such expenses and the sources from which they were paid

31 Exchange of Information

- 31.1 The Licensing Authority will act in accordance with the provisions of Section 350 of the Act in its exchange of information with the Gambling Commission; this includes

a provision that the Data Protection Act 1998 will not be contravened. The Licensing Authority will also have regard to Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

32 Enforcement

32.1 The Licensing Authority will operate within the principles of natural justice and take into account the Human Rights Act 1998. It will have regard to Commission Guidance and will endeavour to avoid unnecessary duplication with other regulatory regimes as far as possible and to be:

- Proportionate: only intervening when necessary and remedies will be appropriate to the risk posed, and costs identified and minimised
- Accountable: able to justify its decisions, and be subject to public scrutiny
- Consistent: implementing rules and standards fairly in a joined-up way
- Transparent: open, and keep conditions placed on premises licences simple and user friendly
- Targeted: focusing on the problems, and aiming to minimise the side effects

32.2 The main enforcement and compliance role for the Licensing Authority is to ensure compliance with the premises licences and other permissions which it grants itself. The Gambling Commission will be the enforcement body for operating licences and personal licences. Similarly, concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority, but the Licensing Authority will be alert to the way premises are operated and will notify the Gambling Commission if it becomes aware of matters of concern in the operation of the premises.

32.3 The Licensing Authority will comply with its own enforcement policies which will be available on request.

33 Scheme of Delegation

33.1 The Licensing Committee has delegated certain decisions and functions and has established a Sub-Committee to deal with them.

33.2 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 5 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.

34 Definitions of Gambling Activities

Adult Gaming Centres

Adult gaming centres (AGCs) are a category of gambling premises contained within the Act. Persons operating an AGC must hold a gaming machines general operating licence from the Commission and must seek a premises licence from the licensing authority. The

holder of an adult gaming centre premises licence may make available for use up to four category B3 or B4 machines, any number of category C or D machines.

Amusement arcades

These are not referred to as such in the Act. See Adult Gaming Centres and licensed and unlicensed family entertainment centres.

Betting

Betting means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true.

Bingo

Bingo has no statutory definition in the Act. It has its ordinary and natural meaning. The distinction between cash bingo, where cash prizes are derived from the stakes, and prize bingo, where prizes were not directly related to the stakes paid, under the previous legislation has been removed for commercial operators, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. That means that premises with a bingo premises licence, or a casino premises licence (where the operator holds a bingo as well as a casino operating licence), will be able to offer bingo in all its forms. So too will alcohol-licensed premises, club and miners' welfare institutes (up to a total weekly prize value of less than £2,000).

Prize bingo is traditionally played in arcades, or travelling funfairs. For these operators, prize bingo is subsumed within the allowances for prize gaming in the Act. This means that adult gaming centres, both licensed and unlicensed family entertainment centres, travelling fairs, and any premises with a prize gaming permit will be able to offer prize gaming, which includes prize bingo. There will be Government Regulations issued setting the prize limits.

Casino

'An arrangement' whereby people can participate in one or more casino games.

Casino Games

Games of chance not being equal chance gaming ie games in which players stake against a 'bank'.

Equal chance gaming

This is a game where the chances of winning are equally favourable to all participants, and which does not involve playing or staking against a "bank". It is immaterial how the 'bank' is described and whether or not it is controlled by a player.

Exempt activities

Private betting is betting which takes place between inhabitants of the same premises or between employees of the same employer.

Private gaming (which is gaming that takes place in private dwellings and on domestic occasions) is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access.

Non commercial Gambling is when no part of the proceeds/profits will be for private gain. The proceeds/profits are the sums raised by the organisers, for example, by way of fees for entrance or participation, or by way of stakes, minus an amount deducted by the

organiser in respect of costs reasonably incurred in organising the event including the provision of a prize. The following conditions would also have to apply:

- The profits will be for a purpose other than that for private gain;
- The players are informed that the purpose of the gaming is to raise money for a specified purpose other than that of private gain;
- The event must NOT take place in premises which either have a premises licence or on premises relying on a temporary use notice under the new act;
- The gaming must not be remote.

Any Regulations made by the Secretary of State will need to be complied with and will include for example regulations limiting the amounts staked and limiting participation fees. If the profits from the activity used for a purpose other than that which was specified, an offence would be committed.

Gambling

Gambling is defined as either gaming, betting or participating in a lottery.

Games of chance

Includes games that involve elements of both chance and skill. This includes games in which skill can eliminate an element of chance and includes games that are presented as involving an element of chance. It does not include a sport. Playing a game of chance need not involve other participants.

Gaming

Gaming means playing a game of chance for a prize

Gaming machines – Categories

The table at appendix 2 sets out the different categories with the maximum stakes and prizes that apply.

Gaming Machines by Premises Type

The table at appendix 3 sets out the different automatic entitlements at each type of premises.

Fixed Odds Betting Terminals

Fixed odds betting terminals (FOBTs) are electronic machines, sited in betting shops, which contain a variety of games, including roulette. Each machine accepts bets for amounts up to a pre-set maximum and pays out according to fixed odds on the simulated outcomes of games.

The Act classifies FOBTs as B2 gaming machines. Up to four machines can be sited on betting premises. The maximum stake on a single bet is £100, the maximum prize is £500.

Licensed Family Entertainment Centres

These premises require operating licences from the Gambling Commission. They will be able to offer gaming machines in categories C and D. Gaming machines are a form of gambling which is attractive to children and Licensed Family Entertainment Centres may contain machines of the Category D machines on which they are allowed to play as well as category C which they are not permitted to play on.

Lottery

A lottery is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

Operating Licence

The Act requires that individuals or companies who intend to provide facilities for certain types of gambling must obtain an operating licence from the Gambling Commission. In general, these licences cover the principal commercial forms of gambling operation. Operating licences may be issued for the following forms of gambling:

- A casino operating licence
- A bingo operating licence
- A general betting operating licence
- A pool betting operating licence
- A betting intermediary operating licence
- A gaming machine general operating licence (for an adult gaming centre)
- A gaming machine general operating licence (for a family entertainment centre)
- A gaming machine technical operating licence (to manufacture, supply, install, adapt, maintain or repair a gaming machine or part of a gaming machine)
- A gambling software operating licence (to manufacture, supply, install or adapt gambling software)
- A lottery operating licence

Premises Licence

A premises licence issued by a Licensing Authority authorises the provision of facilities on casino premises, bingo premises, betting premises, including tracks, adult gaming centres and family entertainment centres.

Track

A horse-race course, dog track or other premises on any part of which a race or other sporting event takes place or is intended to take place.

Unlicensed Family Entertainment Centres

These premises can provide category D machines providing prizes of up to £5 cash or £8 in goods. Stakes are limited to 10p (or 30p for a goods prize). They can also offer prize bingo.

35 Glossary of Terms

Act:	The Gambling Act 2005
Adult:	Means an individual who is not a child or young person
Applications:	Applications for licences and permits as defined separately in this Policy and the Guidance.
Borough:	The area of Cheshire administered by Cheshire East Borough Council
Child and Young Person:	The Act includes the definition of a child at S.45 as: Meaning of “child” and “young person” (1) In this Act “child” means an individual who is less than 16 years

old

(2) In the Act “young person” means an individual who is not a child but who is less than 18 years old.

Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Council:	Cheshire East Council
Default Condition:	Means a specified condition provided by regulations to be attached to a licence, unless excluded by Cheshire East Council
GamCare:	GamCare is a leading provider of information, advice, support and free counselling for the prevention and treatment of problem gambling. GamCare is a national charity and was founded in 1997.
Guidance:	The Gambling Commission under section 25 of the Act are required to issue guidance on the manner in which local authorities are to exercise their functions under the Act, in particular, the principles to be applied by local authorities in exercising their functions under the Act.
Interested Party:	<p>Interested parties are defined under section 158 of the Act. To accept a representation from an interested party, the council must take the view that the person:</p> <ul 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 in either of these groups. <p>Interested parties can also be a councillor or an MP</p>
Licensing Authority:	Cheshire East Council
Licensing Objectives:	<p>The Act contains three licensing objectives which underpin the functions that the licensing authorities will perform</p> <ul style="list-style-type: none">1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime2. Ensuring that gambling is conducted in a fair and open way3. Protecting children and other vulnerable persons from being harmed or exploited by gambling
Mandatory Condition:	Means a specified condition provided by regulations to be attached to a licence
NatCen:	National Centre for Social Research. Conducted the British Gambling Prevalence Surveys of 1999, 2007 and 2010 on behalf of the Gambling Commission

Notifications:	Means notification of temporary or occasional use notices
Premises:	Any place, including a vehicle, vessel or moveable structure
Regulations:	Regulations made under the Gambling Act 2005
Representations:	In dealing with applications the Council is obliged to consider representations from two categories of person, referred to in the Act as interested parties and responsible authorities.
Responsible Authority:	<p>Responsible authorities are public bodies that must be notified of applications and that are entitled to make representations to the Licensing Authority in relation to applications for, and in relation to, premises licences. All representations made by responsible authorities are likely to be relevant representations if they relate to the licensing objectives.</p> <p>Section 157 of the Act identifies the bodies that are to be treated as responsible authorities.</p> <p>They are:</p> <ul style="list-style-type: none">(a) a licensing authority in England and Wales in whose area the premises is wholly or partly situated(b) the Gambling Commission(c) the chief officer of police or chief constable for the area in which the premises is wholly or partially situated(d) the fire and rescue authority for the same area(e) (i) in England and Wales, the local planning authority, or(ii) in Scotland, the planning authority(f) the relevant authority as defined in section 6 of the Fire (Scotland) Act 2005(g) an authority which has functions in relation to pollution to the environment or harm to human health(h) anybody, designated in writing by the licensing authority as competent to advise about the protection of children from harm(i) HM Revenue & Customs(j) any other person prescribed in regulations by the Secretary of State.

Cheshire East – Area Profile (spring 2015)

Introduction

Cheshire East is the third biggest unitary authority in the North West and the thirteenth largest in the country. It therefore has a wide breadth of social grades, age profiles and ranges of affluence. There is a clear link between these measures and the likelihood of a person gambling. It also needs to be acknowledged that there are clear differences between the type of person who gambles responsibly and the type who is identified as a problem gambler. This profile will therefore concentrate on the measures that can contribute to gambling and problem gambling.



People

Cheshire East has an estimated population of 372,700¹, the population density is 3.2 residents per hectare², making Cheshire East less densely populated than the North West (5.0 per hectare) and England (4.1 per hectare).

Between the 2001 and 2011 Census, the median age of residents has increased from 40.6 years to 43.6 years³. Between the same years, the number of over 65s has increased by 11,700 residents or 26%, which is a greater increase than the North West (15%) and England & Wales (20%).

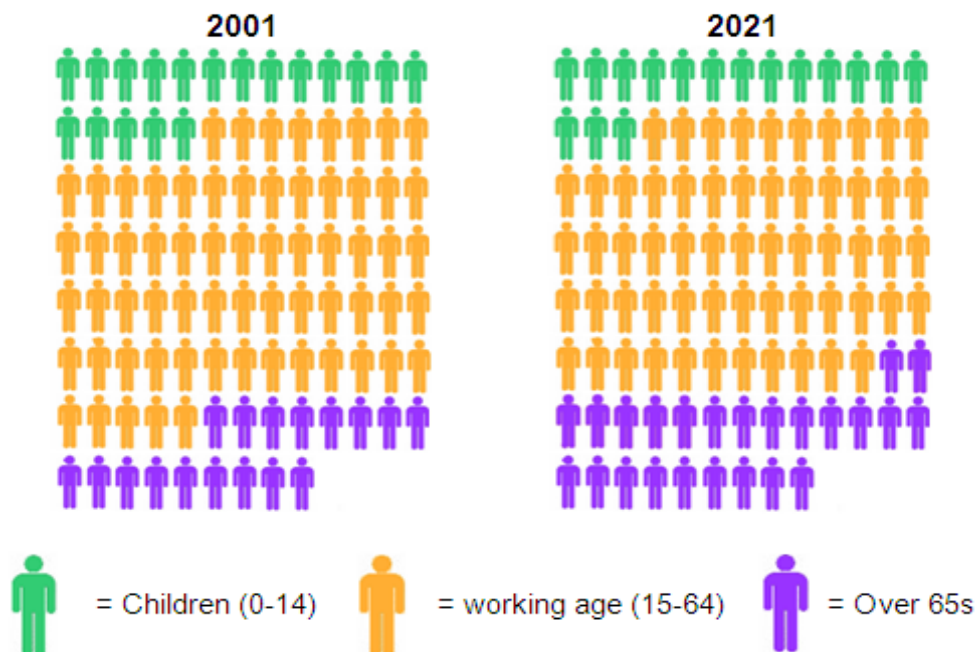
¹ 2013 Mid-year population estimates, Office for National Statistics, NOMIS, Crown Copyright

² 2011 Mid-year population estimates and UK Standard Area Measurements (SAM) 2011, Office for National Statistics, Crown Copyright

³ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

From 2011 to 2021 the population is expected to increase by 15,700 people (4.2%) to 385,800, a greater increase than the North West (3.7%) but less than England (7.5%)⁴. The number of children (aged 0-14) is estimated to increase by 4%, with a slight decrease (-2%) in those of working age (15-64). The number of residents over the age of 65 is expected to increase substantially by 19%, however this increase is similar to England (20% increase). Caution should be exercised when using any predictions about the future population, as they assume trends in recent years will continue into future years.

Figure 1: Proportion of residents by broad age groups – change over 20 years⁵



Economy

Cheshire East contains 5.1% of the North West region's working-age residents⁶, but accounts for an even greater share (5.7%) of the region's employees⁷. In terms of economic output, its contribution is much greater still, at 6.9%⁸.

The proportion of working age residents who are claiming job seekers allowance benefit is low (1.0%) when compared to the North West (2.0%) and England (1.9%) averages⁹. Within Cheshire East there are large disparities – from 0.1% in Adlington & Prestbury to 2.7% in West Coppenhall and Grosvenor. If all out-of-work benefits are included rather than just those actively seeking work, 7.8% of residents of working age receive an out-of-work benefit¹⁰, ranging from 1.4% in

⁴ 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright & 2012 Sub-National Population Projections, Office for National Statistics, Crown Copyright

⁶ 2013 Mid-year population estimates, Office for National Statistics, Crown Copyright

⁷ 2013 Business Register and Employment Survey, Office for National Statistics, Crown Copyright

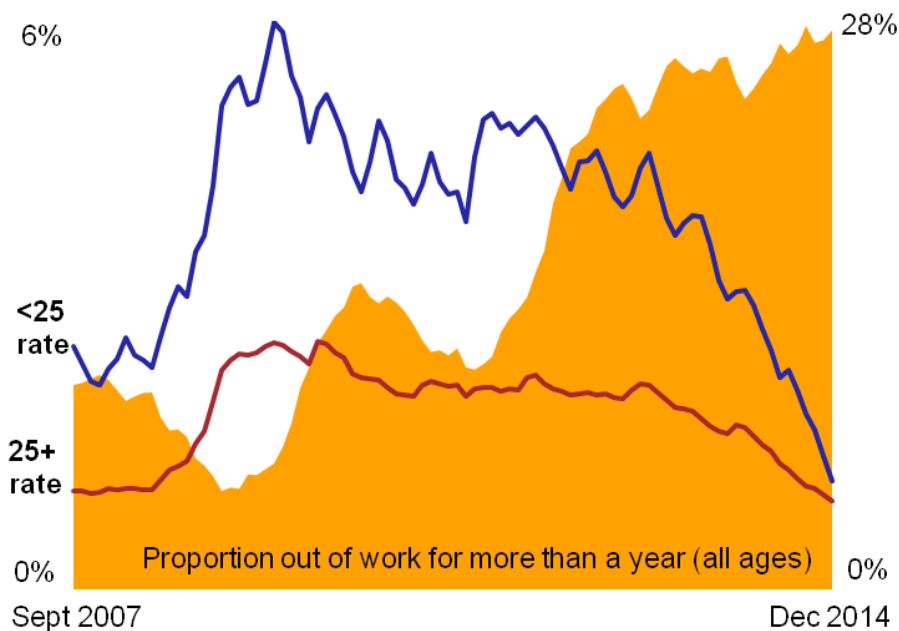
⁸ Regional GVA NUTS3 (1997-2013), Table 3.1, Regional Gross Value Added (Income Approach), Office for National Statistics

⁹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹⁰ Out-of-work benefits, 4 quarter average July 2013 – June 2014, Department for Work and Pensions. Calculations consistent with NI 152/153

Macclesfield Town Tytherington to more than one in four residents of working age (26.5%) in East Coppenhall, Crewe.

Figure 2: Job Seekers Allowance claimants (unemployment) for young people (under 25) and others (over 25), with the proportion of people of all ages claiming for more than one year¹¹



Average (median) household income levels are high (£33,000) compared to Great Britain (£28,500)¹². However, there is a considerable range of average household income levels at ward level, from £18,800 in Crewe St Barnabas ward to £56,900 in Prestbury. Across Cheshire East there are 16 of 231 statistical areas (LSOAs)¹³ which are within the top 20% of most deprived areas in England (figure 3), affecting 28,800 or 7.7% of Cheshire East's population¹⁴. 11 of these areas are in Crewe, with 2 in Wilmslow/Handforth, 2 in Macclesfield and 1 in Congleton. Overall, relative deprivation levels were worse in 2010 than 2007, as only 14 areas were within the top 20% of most deprived areas.

Acorn data is socio-economic data that analyses the residents and places them in classifications, depending on various factors such as demographics, affluence and spending habits. There are seventeen Acorn groups, with the 'Executive Wealth' group being the largest in Cheshire East (27%) a considerably higher proportion than the UK average (12%). There are also approximately five times more residents in the 'lavish lifestyles' groups within Cheshire East compared to the UK, although this group constitutes a small proportion of all Cheshire East's residents (6%).

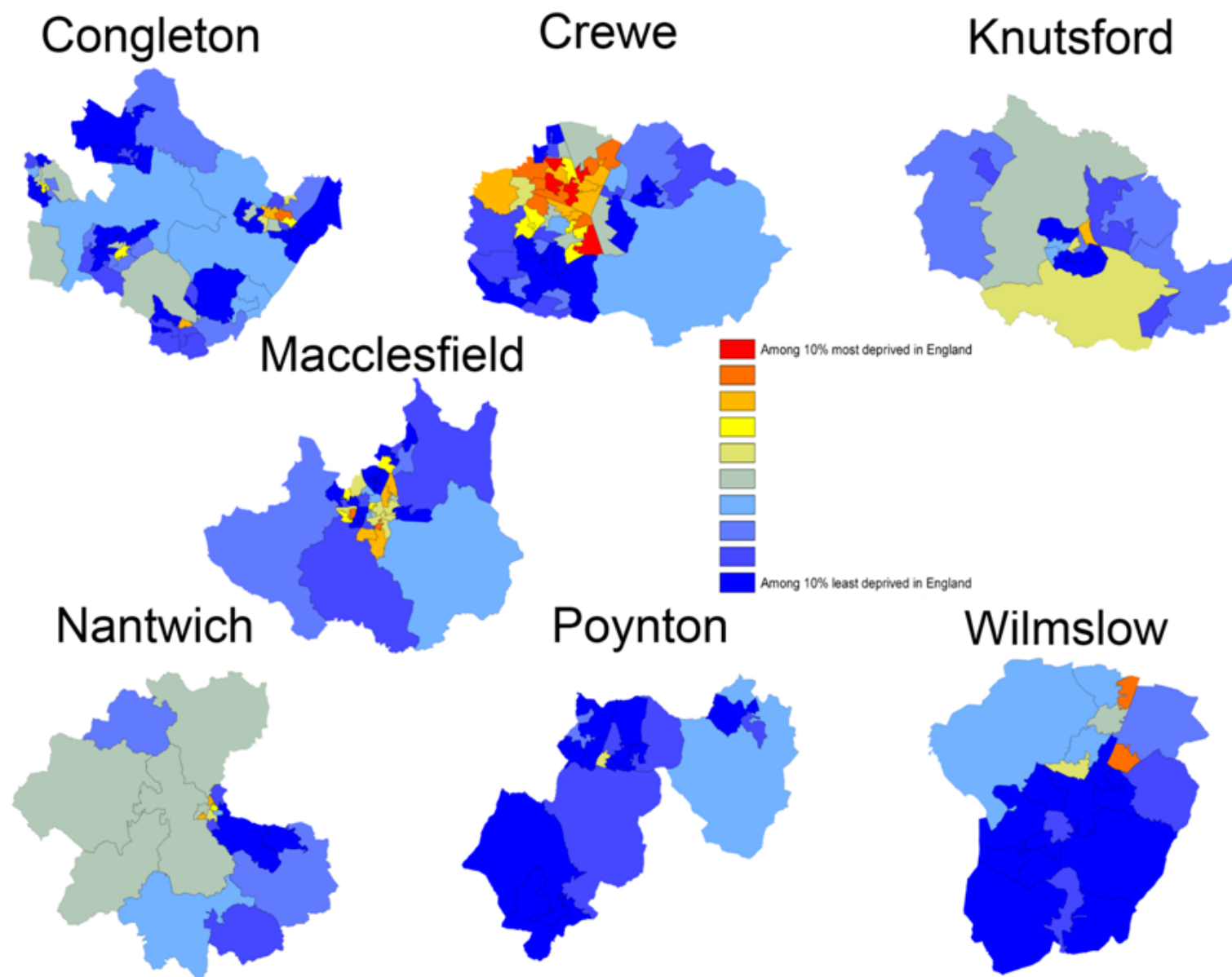
¹¹ December 2014, JSA Claimant Count, DWP and 2013 mid-year estimates, Office for National Statistics, NOMIS, Crown Copyright

¹² 2013/14 Paycheck, CACI Ltd. Figures are median values

¹³ Lower Super Output Areas

¹⁴ Indices of Deprivation 2007 and 2010, Department for Communities and Local Government with mid-year population estimates, 2013, Office for National Statistics

Figure 3 Deprivation by LAP, Index of Multiple Deprivation 2010



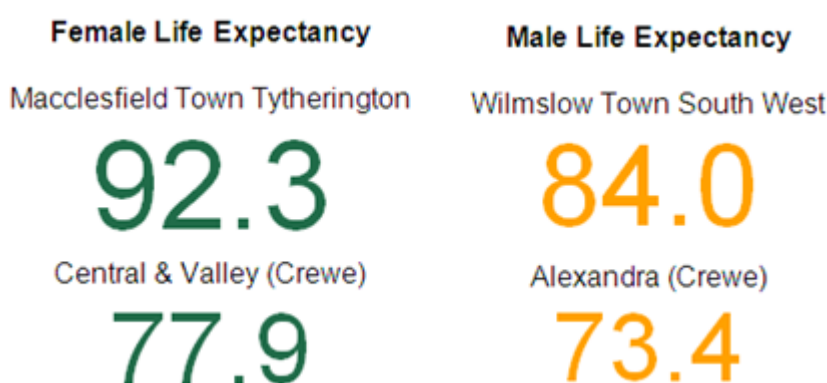
Health

In the 2011 Census, 17.5% of residents reported they had a long term problem or disability which limited their day to day activities, an increase from 16.7% in 2001¹⁵. In a recent survey of the Council's Citizens Panel, 74% of respondents described their general health as 'good or very good' and 5% described it as 'bad or very bad'¹⁶.

Life expectancy (LE) in Cheshire East is higher than regional (North West) and the national (England & Wales) averages. LE at birth for females is 83.6 years, compared to 81.8 years in the North-West and 83.1 years nationally¹⁷. LE at birth for males is 80.4 years, compared to 78.0 in the North West and 79.4 nationally.

There is a noticeable difference within the female population of around 14 years between the lowest rates in Central & Valley (Crewe) and the highest in Macclesfield Town Tytherington¹⁸. For males, there is an 11 year gap between the lowest rates in Alexandra and Crewe and the highest in Wilmslow Town South West.

Figure 4: Male and Female Life Expectancy at birth¹⁹



Smoking rates are generally relatively low. An estimated 16.6% of the adult population are current smokers, which is lower than the North West (23.6%) and England (22.2%). Rates vary from 7.9% in Adlington & Prestbury to 34.3% in St Barnabas²⁰.

Healthy eating rates are relatively high, with an estimated 31.4% regularly consuming their '5 a day', higher than both the North-West average (26.2%) and England (28.7%).

¹⁵ 2001 and 2011 Census, Office for National Statistics, Crown Copyright

¹⁶ Autumn 2011 Survey, InfluenCE, Cheshire East Research and Consultation Team

¹⁷ Life expectancy at birth and at age 65 by local areas in England and Wales, 2011-13, Office for National Statistics. National refers to the figure for England

¹⁸ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

¹⁹ Life Expectancy at Birth for MSOAs, 2006-10, Department for Health

²⁰ 2006-08 Estimates of Adults' Health and Lifestyles, Office for National Statistics (ONS)

Education

The qualification levels of working age residents in the Borough (aged 16-64) is high. An estimated 31% have a degree level qualification or equivalent and above, much higher than the North West (21%) and England & Wales (25%)²¹. Conversely, the proportion of residents with no qualifications (9%) is lower than the region (12%) and nationally (11%).

Prevalence of Licensed Gambling Premises

There are a total of 58 licensed gambling premises in Cheshire East, broken down into the following categories:

Town	Type	Number
Betchton	Adult Gaming Centre	2
Crewe	Adult Gaming Centre	3
Knutsford	Adult Gaming Centre	2
Macclesfield	Adult Gaming Centre	4
Total		11

Town	Type	Number
Alderley Edge	Betting Shop	1
Congleton	Betting Shop	4
Crewe	Betting Shop	17
Handforth	Betting Shop	1
Holmes Chapel	Betting Shop	1
Knutsford	Betting Shop	1
Macclesfield	Betting Shop	8
Middlewich	Betting Shop	2
Nantwich	Betting Shop	2
Poynton	Betting Shop	1
Sandbach	Betting Shop	3
Wilmslow	Betting Shop	4
Total		45

Town	Type	Number
Crewe	Bingo	1
Nantwich	Bingo	1
Total		2

There are no casinos and no licensed family entertainment centres.

The largest number of licensed premises are in the towns of Crewe and Macclesfield

²¹ Annual Population Survey January 2011 – December 2011, Office for National Statistics, Crown Copyright

Conclusion

According to NatCen's British Gambling Prevalence Survey of 2010 the rates of problem gambling in the general population are 0.9% and 0.5% (depending on the measures used). This would equate to a problem gambling population in Cheshire East of 33,543 and 18,635.

According to information available from the Gambling Commission there are 13,489 licensed gambling premises in the UK. Cheshire East's licences equate to 0.43% of this total.

Whilst gambling is prevalent across the country this prevalence appears to be concentrated in the main city areas and primarily in the London Boroughs. Compared to our neighbours Cheshire East has fewer licensed gambling premises per head of population:

Local Authority	Population	Number of Premises	Number PH
Cheshire East	372,700	58	0.00016
Cheshire West and Chester	331,000	79	0.00024
Stoke City	250,200	55	0.00022
Manchester	514,400	154	0.00029
Trafford	230,200	43	0.00019
Stockport	285,000	54	0.00019

As the persons most at risk from problem gambling are white, young males from a low income background this is most likely to affect the residents of Crewe and to a lesser extent Macclesfield. These are also the areas that already have the highest numbers of licensed gambling premises. It will therefore be incumbent upon applicants to demonstrate that they will take appropriate steps to follow the Gambling Commission's relevant Codes of Conduct and the Council's Statement of Gambling Principles to ensure that no one is exploited or harmed by gambling.

Summary of gaming machine categories and entitlements

Category of machine	Maximum stake (from Jan 2014)	Maximum prize (from Jan 2014)
A	Unlimited - No category A gaming machines are currently permitted	
B1	£5	£10,000*
B2	£100	£500
B3A	£2	£500
B3	£2	£500
B4	£2	£400
C	£1	£100
D - non-money prize (other than a crane grab machine or a coin pusher or penny falls machine)	30P	£8
D - non-money prize (crane grab machine)	£1	£50
D - money prize (other than a coin pusher or penny falls machine)	10P	£5
D - combined money and non-money prize (other than a coin pusher or penny falls machine)	10P	£8 (of which no more than £5 may be a money prize)
D - combined money and non-money prize (coin pusher or penny falls machine)	20P	£20 (of which no more than £10 may be a money prize)

Summary of machine provisions by premises

Premises Type	Machine Category						
	A	B1	B2	B3	B4	C	D
Large casino (machine/table ratio of 5-1 up to maximum)		Maximum of 150 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ratio of 2-1 up to maximum)		Maximum of 80 machines. Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casino (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by pool betting			Maximum of 4 machines categories B2 to D (except B3A machines)				
Bingo premises				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Adult gaming centre				Maximum of 20% of the total number of gaming machines which are available for use on the premises categories B3 or B4**		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institute (with permits)					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises (with gaming machine permit)						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines

* It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D. ** Adult gaming centre and bingo premises are entitled to make available a number of Category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises. Premises in existence before 13 July 2011 are entitled to make available four (adult gaming centre premises) or eight (bingo premises) category B gaming machines, or 20% of the total number of gaming machines, whichever is the greater. Adult gaming centre premises and bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four or eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only. But not B3A machines.

Summary of gaming entitlements for clubs and alcohol-licensed premises

	Members' club or MW institute with club gaming permit	Bridge or whist club	Members' club or commercial club with club machine permit	Members' club, commercial club or MW institute without a club gaming permit or club machine permit	Pubs and other alcohol licensed premises
Equal chance gaming	Yes	Bridge and/or Whist only	Yes	Yes	Yes
Limits on stakes	No limit	No limit	Poker £1000 per week £250 per day £10 per person per game Other gaming No limit	Poker £1000 per week £250 per day. £10 per person per game Other gaming No limit	Poker £100 per premises per day. Other gaming £5 per person per game Cribbage & dominoes No limit
Limits on prizes	No limit	No limit	Poker £250 per game Other gaming No limit	Poker £250 per game Other gaming No limit	Poker £100 per game Other gaming No limit
Maximum participate on fees – per person per day	Bridge and/or whist* £20 Other gaming £3	£18 (without club gaming permit) £20 (with club gaming permit)	Bridge and/or whist* £18 Other gaming £3 (commercial club) £1 (members' club)	Bridge and/or whist* £18 Other gaming £1	None permitted
Bankers or unequal chance gaming	Pontoon Chemin de Fer	None permitted	None permitted	None permitted	None permitted
Limits on bingo	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	No bingo permitted	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.	Maximum of £2,000 per week in stakes/prizes. If more then will need an operating licence.

* On a day when no other facilities for gaming are provided

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 notice and occasional use notices			X
Decision to give a counter notice to a temporary use notice		X	

Consultation Responses:

1. Response from Cheshire Constabulary:

We have discussed the Revised Statement of Gambling Principles and the following is the only comment from the police:

The source data for section 3., i.e. 'Gambling Prevalence and Problem Gambling', is 2010 Natcen's British Gambling Prevalence Survey is of course now 5 years out of date. Perhaps using Chapter 7 of the Health Survey for England report, commissioned by the Gambling Commission and published on 18th December 2013, would be more up to date and therefore more relevant.

2. Response from Sandbach Town Council:

Further to recent notification received detailing consultation process for Revised Statement of Gambling Principles, I email to advise that Sandbach Town Council's Planning Committee reviewed the document at its last meeting and resolved that Members have no objection to the revised statement, providing regulations and extensions to permitted areas remain as previous Statement. Please don't hesitate to contact me should you require any further information.

Query sent from Licensing:

Thank you for providing a response to the consultation on behalf of the Town Council.

Can I just ask you clarify which specific paragraphs the Planning Committee want to take from the old policy into the new?

Further response from Sandbach Town Council:

I'm afraid we were unable to locate a copy of the old policy - the only one on your website is the review doc 2016 - 2019 so we had nothing to compare against. As such, Members sent the response requesting regulations and extensions to permitted areas remain as existing. They did not feel that any change to these areas and regulations should be made for Sandbach.

3. Response from a Member of the Public:

In relation to the above consultation I would be grateful if Cheshire East Licensing and the Licensing Committee could support the following suggestions, largely based with the aim of further strengthening the important aim of the protection from harm for children and vulnerable adults:

Paragraph 2.7 please remove the underlining as it places an unnecessary emphasis upon a phrase which repeats section 153 of the Gambling Act 2005 and neither the Act nor the Explanatory notes do so.

Please add at the end of paragraph 8.18 "or other areas known to be near to

vulnerable adults or attractive to children"

Please add to paragraph 8.19 that applicants also has to send evidence of their policies/procedures together with their applications for the protection of children and young persons. Please see the Bedfordshire policy for 2013 currently being consulted upon at para 8.12 which has this mentioned.

Please also make it clear that harm is not linked to just harm from gambling but also includes wider child protection considerations. Para 20.4 of the Bedfordshire policy mentioned above includes this in the Statement of Principles.

Please strengthen paragraph 8.22 as many local authorities would like the max stake reduced from £100 to £2 for FOBTs due to problem addictions. Please add that:

"In any applications which include FOBTs, the Licensing Authority will take particular care to ensure whether or not the Licensing objectives in paragraph 1.3 of this Statement are met, particularly in relation to vulnerable persons."

Please add on the last sentence at page 40 " and to help protect children and vulnerable adults".



GOSCHALKS
SOLICITORS

Cheshire East Council
Licensing
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / LHK / 097505.00004
#GS370984
Your ref:
Date: 18 September 2015

Dear Sir/Madam

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Association of British Bookmakers (ABB) and have received instructions to respond on behalf of our client to the current consultation on the Council's review of its gambling policy statement.

The ABB represents over 80% of the high street betting market. Its members include large national operators such as William Hill, Ladbrokes, Coral and Paddy Power, as well as almost 100 smaller independent bookmakers.

This response will explain the ABB approach to partnership working with local authorities, it will detail its views on the implementation of the new LCCP requirements, from April 2016, relating to operators' local area risk assessments and their impact on the licensing regime and will then make specific comment with regard to any statement(s) of concern/that are welcomed in your draft policy.

The ABB is concerned to ensure that any changes are not implemented in such a way as to fundamentally change the premises licence regime through undermining the "aim to permit" principle contained within s153 Gambling Act 2005.

The current regime already adequately offers key protections for communities and already provides a clear process (including putting the public on notice) for representations/objections to premises licence applications. The recent planning law changes effective since April 2015 have also already increased the ability of local authorities to consider applications for new premises, as all new betting shops must now apply for planning permission.

It is important that any consideration of the draft policy and its implementation at a local level is put into context. There has recently been press coverage suggesting that there has been a proliferation of betting offices and a rise in problem gambling rates. This is factually incorrect.

Over recent years betting shop numbers have been relatively stable at around 9,000 nationally, but more recently a trend of overall downwards decline can be seen. The latest Gambling Commission industry statistics show that numbers as at 31 Mar 2015 were 8,958 - a decline of 179 from the previous year, when there were 9,137 recorded as at 31 March 2014.

As far as problem gambling is concerned, successive prevalence surveys and health surveys reveal that problem gambling rates in the UK are stable (0.6%) and possibly falling.

Working in partnership with local authorities

The ABB is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and we welcome the opportunity to respond to this consultation.

There are a number of examples of the ABB working closely and successfully in partnership with local authorities.

LGA – ABB Betting Partnership Framework

In January 2015 the ABB signed a partnership agreement with the Local Government Association (LGA). This was developed over a period of months by a specially formed Betting Commission consisting of councillors and betting shop firms and established a framework designed to encourage more joint working between councils and the industry.

Launching the document Cllr Tony Page, LGA Licensing spokesman, said it demonstrated the *"...desire on both sides to increase joint-working in order to try and use existing powers to tackle local concerns, whatever they might be."*

The framework built on earlier examples of joint working between councils and the industry, for example the Ealing Southall Betwatch scheme and Medway Responsible Gambling Partnership.

In Ealing, the Southall Betwatch was set up to address concerns about crime and disorder linked to betting shops in the borough. As a result, crime within gambling premises reduced by 50 per cent alongside falls in public order and criminal damage offences.

In December last year, the Medway Responsible Gambling Partnership was launched by Medway Council and the ABB. The first of its kind in Britain, the voluntary agreement allows anyone who is concerned they are developing a problem with their gambling to exclude themselves from all betting shops in the area.

The initiative also saw the industry working together with representatives of Kent Police and with the Medway Community Safety Partnership to develop a Reporting of Crime Protocol that is helpful in informing both the industry, police and other interested parties about levels of crime and the best way to deal with any crime in a way that is proportionate and effective.

Lessons learnt from the initial self-exclusion trial in Medway have been incorporated into a second trial in Glasgow city centre, launched in July this year with the support of Glasgow City Council, which it is hoped will form the basis of a national scheme to be rolled out in time for the LCCP deadline for such a scheme by April 2016.

Jane Chitty, Medway Council's Portfolio Holder for Planning, Economic Growth & Regulation, said: *"The Council has implemented measures that work at a local level but I am pleased to note that the joint work we are doing here in Medway is going to help the development of a national scheme."*

Describing the project, Glasgow's City Treasurer and Chairman of a cross-party Sounding Board on gambling, Cllr Paul Rooney said:

"This project breaks new ground in terms of the industry sharing information, both between operators and, crucially, with their regulator."

Primary Authority Partnerships in place between the ABB and local authorities

All major operators, and the ABB on behalf of independent members, have also established Primary Authority Partnerships with local authorities.

These Partnerships help provide a consistent approach to regulation by local authorities, within the areas covered by the Partnership; such as age-verification or health and safety. We believe this level of consistency is beneficial both for local authorities and for operators.

For instance, Primary Authority Partnerships between Milton Keynes Council and Reading Council and their respective partners, Ladbrokes and Paddy Power, led to the first Primary Authority inspection plans for gambling coming into effect in January 2015.

By creating largely uniform plans, and requiring enforcing officers to inform the relevant Primary Authority before conducting a proactive test-purchase, and provide feedback afterwards, the plans have been able to bring consistency to proactive test-purchasing whilst allowing the Primary Authorities to help the businesses prevent underage gambling on their premises.

Local area risk assessments

With effect from 6th April 2016, under new Gambling Commission LCCP provisions, operators are required to complete local area risk assessments identifying any risks posed to the licensing objectives and how these would be mitigated.

Licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy and local area profile in their risk assessment, and these must be reviewed where there are significant local changes or changes to the premises, or when applying for a variation to or a new premises licence.

The ABB is concerned that overly onerous requirements on operators to review their local risk assessments with unnecessary frequency could be damaging. As set out in the LCCP a review should only be required in response to significant local or premises change. In the ABB's view this

should be where evidence can be provided to demonstrate that the change could impact the premises' ability to uphold the three licensing objectives.

Although ABB members will be implementing risk assessment at a local premises level, we do not believe that it is for the licensing authority to prescribe the form of that risk assessment. We believe that to do so would be against better regulation principles. Instead operators should be allowed to gear their risk assessments to their own operational processes informed by Statements of Principles and the local area profile.

The ABB supports the requirement as set out in the LCCP, as this will help sustain a transparent and open dialogue between operators and councils. The ABB is also committed to working pro-actively with local authorities to help drive the development of best practice in this area.

Local Area Profiles – Need for an evidence based approach

It is important that any risks identified in the local area profile are supported by substantive evidence. Where risks are unsubstantiated there is a danger that the regulatory burden will be disproportionate. This may be the case where local authorities include perceived rather than evidenced risks in their local area profiles.

This would distort the "aim to permit" principle set out in the Gambling Act 2005 by moving the burden of proof onto operators. Under the Act, it is incumbent on licensing authorities to provide evidence as to any risks to the licensing objectives, and not on the operator to provide evidence as to how they may mitigate any potential risk.

A reversal of this would represent a significant increase in the resource required for operators to be compliant whilst failing to offer a clear route by which improvements in protections against gambling related harm can be made.

We would also request that where a local area profile is produced by the licensing authority that this be made clearly available within the body of the licensing policy statement, where it will be easily accessible by the operator and also available for consultation whenever the policy statement is reviewed.

Concerns around increases in the regulatory burden on operators

Any increase in the regulatory burden would severely impact on our members at a time when overall shop numbers are in decline, and operators are continuing to respond to and absorb significant recent regulatory change. This includes the increase to 25% of MGD, changes to staking over £50 on gaming machines, and planning use class changes which require all new betting shops in England to apply for planning permission.

Moving away from an evidence based approach would lead to substantial variation between licensing authorities and increase regulatory compliance costs for our members. This is of particular concern for smaller operators, who do not have the same resources to be able to put

into monitoring differences across all licensing authorities and whose businesses are less able to absorb increases in costs, putting them at risk of closure.

Such variation would in our opinion also weaken the overall standard of regulation at a local level by preventing the easy development of standard or best practice across different local authorities.

Employing additional licence conditions

The ABB believes that additional conditions should only be imposed in exceptional circumstances where there are clear reasons for doing so - in light of the fact that there are already mandatory and default conditions attached to any premises licence. The ABB is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statements as to the need for evidence.

This would further increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities.

Specific Policy Comments

2 General Principles

The general principles recognise that neither unmet demand nor the unlikelihood of an applicant obtaining planning permission are relevant for the purposes of a Gambling Act 2005 application. We suggest that added to this list is the fact that moral objections to gambling are not relevant for the purposes of the act.

3 Gambling Prevalence and Problem Gaming

Paragraphs 3.1 to 3.5 contain statistics obtained from the 2010 prevalence survey before paragraphs 3.6 to 3.8 move on to issues of problem gambling. We respectfully submit that the policy should include the fact that gambling is a perfectly lawful activity and for the vast majority of people, it is nothing more than an enjoyable pastime. This would balance the statements with regard to problem gambling which it is acknowledged is at rates of between 0.9% and 0.5% depending upon which survey's evidence is accepted.

8 Premises Licences

Paragraph 8.7 indicates that *"applications for the grant, transfer or variation of a premises licence should be accompanied by an assessment that demonstrates how the applicant will promote all the licensing objectives."* This statement needs to be amended. First, there is no requirement for an applicant to "promote" the licensing objectives. An application needs only to be reasonably consistent with the licensing objectives. Secondly, neither the Social Responsibility Code Provision or Ordinary Code Provision contained within the Gambling Commissions LCCP require risk assessment on transfers of premises licences. It is accepted that transfers from one operator to a new operator with different procedures may require a risk assessment submitting but there may

be instances where there are transfers between companies operated by the same parent company where there is no effective operational change. This would be a transfer of the premises licence but would not require the submission of a risk assessment. In the circumstances, this paragraph should be amended to reflect the provisions of the codes.

8.12

This paragraph suggests that *"where appropriate conditions may be attached to a premises licence requiring the provision of door supervisors."* The policy should be clear that conditions can only be attached where there is evidence that in the particular circumstances of that application, the mandatory and default conditions need to be supplemented.

8.13

This paragraph makes the distinction between disorder and nuisance. The paragraph would be assisted by a statement that the Gambling Commission intends disorder to *"mean activity that is more serious and disruptive than mere nuisance."*

8.18

This paragraph indicates *"the licensing authority will not normally grant a premises licence for premises which are located to schools."* The authority is reminded that betting offices are environments where under 18's are not admitted. Betting offices have been situated in many areas close to schools without any difficulty whatsoever for the 50 years since betting regulation began. The reason is that operators have robust policies and procedures in place to ensure that only those who are permitted to bet do so. Many operators also engage independent test purchasing organisations to test their policies and training. The local area risk assessment will recognise the proximity of schools and deal with measures implemented to ensure consistency with the licensing objectives. This paragraph should be deleted.

15 Licence Conditions

In paragraph 15.3 the policy indicates that *"applicants are encouraged to offer their own suggested conditions to demonstrate how the licensing objectives can be met."* This is appropriate where premises licence applications are made under Licensing Act 2003 but the authority is reminded that there is no "operating plan" in applications under Gambling Act 2005. This is because premises licences under Gambling Act 2005 are already subject to robust mandatory and default conditions. In the vast majority of cases it is not necessary to have any further conditions. Supplemental conditions will only be appropriate if there is evidence of a particular risk not otherwise addressed. The suggestion that applicants should suggest their own conditions is unnecessary and should be removed.

Conclusion

The industry fully supports the development of proportionate and evidenced based regulation, and is committed to minimising the harmful effects of gambling. The ABB is continuing to work closely

with the Gambling Commission and the government to further evaluate and build on the measures put in place under the ABB Code for Responsible Gambling, which is mandatory for all our members.

ABB and its members are committed to working closely with both the Gambling Commission and local authorities to continually drive up standards in regulatory compliance in support of the three licensing objectives: to keep crime out of gambling, ensure that gambling is conducted in a fair and open way, and to protect the vulnerable.

Indeed, as set out, we already do this successfully in partnership with local authorities now. This includes through the ABB Code for Responsible Gambling, which is mandatory for all our members, and the Safe Bet Alliance (SBA), which sets voluntary standards across the industry to make shops safer for customers and staff. We would encourage local authorities to engage with us as we continue to develop both these codes of practice which are in direct support of the licensing objectives.

Yours faithfully,

PLEASE SIGN HERE



GOSSCHALKS



Cheshire East Council
Licensing
Municipal Buildings
Earle Street
Crewe
CW1 2BJ

21st September 2015

Dear Sir,

Consultation on Cheshire East Council's Statement of Principles – Gambling Act 2005

Coral Racing Limited is most grateful to be given the opportunity to respond to this consultation exercise. Coral was one of the first national bookmakers to be licensed under the Betting and Gaming Act of 1960, and so has been operating the length and breadth of the UK for over 50 years. Its premises comprise locations in the inner city, on the high street, in suburbs and in rural areas, and in areas of both high and low deprivation. It now operates 1850 betting offices across Great Britain, which comprise about 20% of all licensed betting offices. It is, therefore, a highly experienced operator.

Coral Racing Limited are supportive of the document. It again notes that the Board when considering applications are still required to 'aim to permit gambling' where this is 'reasonably consistent with the licensing objectives'. We politely note that the Statement does not indicate that the Board should not take into account of any moral objections to gambling and if this is missing, kindly suggest its inclusion.

Coral Racing Limited do note that in paragraph 2.5, the Statement makes references to premises being located within the proximity of schools as being a possible relevant consideration in respect of 'protecting children or other vulnerable persons from being harmed or exploited by gambling'. Coral knows of no evidence that the location of a licensed betting office within the proximity of schools causes harm to the licensing objectives nor that children coming from schools are gaining access to betting offices. Our general experience, in common with other bookmakers, is that children are not interested in betting, and in any case the Think 21 policy operated by Coral is adequate to ensure that under-age gambling does not occur in their premises. There are very many examples of betting offices sited immediately next to schools and colleges and no evidence whatsoever that they cause problems.

In paragraph 8.22, the Statement makes reference to steps that Central Government are taking to change the planning class of betting shops. Please note that this is now in force and all betting shops are required to seeking planning permission within the 'sui generis' planning usage.

Coral Racing Limited recognise the requirement to supply risk assessments with future applications & variations following the consultation completion (requirement is from 6th April 2016) and whilst this detail is not currently included within the Statement, we would be pleased to contribute to a consultation when it is.

Coral's experience is that through all it does, it achieves an exemplary degree of compliance already, and attracts negligible evidence of regulatory harm. Through the additional local risk assessment to be introduced, Coral believe that these should be a) to assess specific risks to the licensing objectives in the local area, and b) to assess whether control measures going beyond standard control measures are needed.



Coral Racing Limited
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a  company



We would additionally caution against the council providing a long list of locations which must be risk assessed and instructions / templates for completion which are not proportionate to the styles of businesses we operate.

If we can provide any further information, we would be pleased to do so.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'John Liddle', written over a horizontal line.

John Liddle
Director of Development – Coral Retail

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