



Committee: LICENSING ACT COMMITTEE

Date: THURSDAY, 18 JUNE 2015

Venue: LANCASTER TOWN HALL

Time: 2.00 P.M.

A G E N D A

1. **Apologies for Absence**

2. **Appointment of Vice-Chairman**

To appoint a Vice-Chairman for the 2015/16 municipal year.

3. **Minutes**

Minutes of the meeting held on 4 December 2014 (previously circulated).

4. **Items of Urgent Business Authorised by the Chairman**

5. **Declarations of Interest**

To receive declarations by Members of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the Localism Act 2011, they are required to declare any disclosable pecuniary interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting.)

Whilst not a legal requirement, in accordance with Council Procedure Rule 10 and in the interests of clarity and transparency, Members should declare any disclosable pecuniary interests, which they have already declared in the Register, at this point in the meeting.

In accordance with Part B, Section 2 of the Code of Conduct, Members are required to declare the existence and nature of any other interests as defined in paragraphs 8(1) or 9(2) of the Code of Conduct.

Matters for Decision

6. **Chairmen of Licensing Act Sub-Committees (Pages 1 - 3)**

Report of the Licensing Manager

7. **Licensing Act 2003 - Consultation on the Draft Revised Licensing Act Statement of Policy** (Pages 4 - 47)

Report of the Licensing Manager

8. **Gambling Act 2005 - Consultation on the Draft Revised Statement of Licensing Policy** (Pages 48 - 96)

Report of the Licensing Manager

ADMINISTRATIVE ARRANGEMENTS

(i) Membership

Councillors Terrie Metcalfe (Chairman), June Ashworth, Stuart Bateson, Alan Biddulph, Carla Brayshaw, Sheila Denwood, Charlie Edwards, Mel Guilding, Colin Hartley, Christopher Leadbetter, Abi Mills, Rebecca Novell, Sylvia Rogerson, Roger Sherlock and Paul Woodruff

(ii) Queries regarding this Agenda

Please contact Jane Glenton, Democratic Services - telephone (01524) 582068 or email jglenton@lancaster.gov.uk.

(iii) Changes to Membership or apologies

Please contact Members' Secretary, telephone (01524) 582170, or email memberservices@lancaster.gov.uk.

MARK CULLINAN,
CHIEF EXECUTIVE,
TOWN HALL,
DALTON SQUARE,
LANCASTER, LA1 1PJ

Published on Wednesday, 10 June 2015.

LICENSING ACT COMMITTEE**Chairmen of Licensing Act Sub-Committees
18th June 2015****Report of the Licensing Manager****PURPOSE OF REPORT**

To enable the Committee to make arrangements for the chairing of Licensing Act Sub-Committees during the forthcoming municipal year.

This report is public

Recommendation

- (1) That the Committee appoints for the new municipal year a number of members to chair the ad hoc sub-committees established to hear individual applications under the Licensing Act 2003 and the Gambling Act 2005.**

1.0 Introduction

- 1.1 The procedure for establishing sub-committees to deal with hearings under the Licensing Act 2003 was agreed at the Committee's meeting on the 14th February 2005. As Members are aware, each sub-committee must comprise three members of the Committee, and is convened by the Chief Officer (Governance), as and when required, from the fifteen members.
- 1.2 It was further agreed in 2005 that the then chairman and vice-chairman and three other named members be appointed as chairmen of the sub-committees, and that each ad hoc sub-committee would include one of these members who would act as the chairman.
- 1.3 This arrangement has continued, although in some municipal years, the Committee has nominated four rather than five chairmen.
- 1.4 For Members' information, there were five chairmen nominated for 2014/15, namely Cllr Terrie Metcalfe, Councillor Jonathon Dixon, Councillor Mike Greenall, Councillor Roger Sherlock and Councillor Sylvia Rogerson
- 1.5 It is always difficult to estimate in advance the workload of the sub-committees. However, in 2014/15, sub-committees met on only 2 occasions, and this reflects the reduced workload since the original implementation of the Act.
- 1.6 As the demand for meetings of the sub - committees has reduced over the past few years, officers recommend that the number of sub-committee chairmen could perhaps be reduced to three, being the Chairman and Vice-Chairman of the Committee and one other member of the Committee.

2.0 Proposal Details

2.1 The Committee is now requested to consider the arrangements for the municipal year 2015/16, and to decide how many and which members to appoint to chair the sub-committees.

3.0 Details of Consultation

3.1 None

4.0 Options and Options Analysis (including risk assessment)

4.1 There is a need for the Committee to appoint sub-committee chairmen. In considering the number of chairmen to be designated, Members should take account of the reduced demand for hearings over the past few years.

5.0 Conclusion

5.1 The Committee is recommended to appoint a number of its members to chair the sub-committee hearings.

**CONCLUSION OF IMPACT ASSESSMENT
(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)**

None.

FINANCIAL IMPLICATIONS

The Independent Remuneration Panel (IRP) has made provision for special responsibility allowances of £435 to be paid to each Sub-Committee chairman, in addition to the special responsibility allowance that is paid to the Chairman of the Committee, and the budgetary provision reflects this. The fact that a member is only entitled to receive one special responsibility allowance means that it is impossible to estimate the actual budget cost in advance, and generally gives leeway within the budgetary provision.

LEGAL IMPLICATIONS

The proposal is in accordance with the provisions of the Licensing Act 2003, which provides for the establishment of one or more sub-committees consisting of three members of the Committee, but makes no further provision as to how this should be arranged.

OTHER RESOURCE IMPLICATIONS

Human Resources:

None

Information Services:

None

Property:

None

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None

Contact Officer: Ms W Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP

LICENSING ACT COMMITTEE

Licensing Act 2003 Consultation on the Draft Revised Licensing Act Statement of Policy 18^h June 2015

Report of the Licensing Manager

PURPOSE OF REPORT

This report is to inform Members that the consultation process for the Licensing Act 2003 revised Statement of Policy as required by Section 5 of the Act will begin on 1st July 2015.

This report is public

RECOMMENDATIONS

That the report be noted.

1.0 Introduction

- 1.1 The Statement of Licensing Policy is a requirement of Section 5 of the Licensing Act 2003 and has been prepared in accordance with the provisions of the Act and Guidance issued by Secretary of State for Culture Media and Sport under Section 182 of the Act (currently dated March 2015). The Licensing Authority is therefore, bound by the Act, any regulations made under it, and the Section 182 Guidance.
- 1.2 The Licensing Authority is required by regulations to update its Statement of Licensing Policy every 5 years. The current policy came into force in January 2011. A revised Draft Statement of Licensing Policy and a summary of the proposed changes has been prepared by the licensing manager and is attached at appendix 1 to this report.
- 1.3 For the purpose of reviewing the Licensing Policy, in accordance with the requirements of the Act, Lancaster City Council will consult with:
 - The Police
 - The Fire Authority
 - Representatives of existing holders of premises and personal licences
 - Representatives of existing holders of club premises certificates
 - Local businesses and their representatives
 - Local residents and their representatives
 - Public Health

1.4 Consultation Process

Letters will be sent to all licence holders, and all other stakeholders, requesting responses by 30th September 2015.

Copies of the Draft revised policy will be placed on the Lancaster City Council website on the licensing page, as well as in the Town Halls in Morecambe and Lancaster

A press release will be published in the Lancaster Guardian.

1.5 Any responses from the consultation will be reported back to this committee on the 3rd December 2015.

1.6 The Policy will then go to full Committee on 17th December 2015, for implementation In January 2016, in order to satisfy the statutory time frames.

2.0 Conclusion

2.1 The Licensing Authority is required by the Act to revise its Statement of Licensing Policy every 5 years, and to consult with stakeholders, before publishing and implementing the updated Policy. This report is intended to inform members that the consultation process has started.

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)	
None.	
FINANCIAL IMPLICATIONS	
None	
LEGAL IMPLICATIONS	
The report has been prepared on behalf of the Chief Officer, Governance.	
BACKGROUND PAPERS	Contact Officer: Ms W Peck Telephone: 01524 582317 E-mail: wpeck@lancaster.gov.uk Ref: WP
None	



**LANCASTER CITY COUNCIL
LICENSING ACT 2003**

**STATEMENT OF
LICENSING POLICY**

FOR THE PERIOD 2016 – 2021

Licensing Manager
Lancaster City Council
Town Hall
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Lancaster LA1 1PJ

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Further copies may be obtained from the above address or from the Council's website:-
www.lancaster.gov.uk

CITY OF LANCASTER
STATEMENT OF LICENSING POLICY
LICENSING ACT 2003

1 Introduction

- 1.1 This document sets out the revised Licensing Policy of the Lancaster City Council, which is the Licensing Authority, under the Licensing Act 2003 (“the Act”).
- 1.2 Licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs, and at temporary events within the terms of the Act. Conditions attached to various authorisations will focus on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises.
- 1.3 This statement of licensing policy is a requirement of Section 5 of the Act and has been prepared in accordance with the provisions of the Act and the Guidance issued by Secretary of State for Culture Media and Sport under Section 182 of the Act (currently dated October 2014). The Licensing Authority is, therefore, bound by the Act, any regulations made under it and the Section 182 guidance.
- 1.4 For the purpose of reviewing its Licensing Policy, in accordance with the requirements the Act, the Licensing Authority has consulted with:
- The Police
 - The Fire Authority
 - Representatives of existing holders of premises licences and personal licences
 - Representatives of existing holders of club premises certificates
 - Local businesses and their representatives
 - Local residents and their representatives
- 1.5 The Licensing Authority is grateful for the responses received, and has given proper weight to the views expressed by those consultees.
- 1.6 The Licensing Authority will consider all applications under the Act in accordance with the Act, Government Guidance, and in the light of this policy. It will expect applicants to comply with the procedural requirements of the Act and Regulations there under, and would encourage applicants to make themselves aware of the contents of this Policy, and to discuss their applications in advance with the Licensing Authority’s administrative staff, and with relevant responsible authorities (see below) and interested parties.
- 1.7 **The policy covers new applications, transfers, variations of licences and certificates and provisional statements. It also includes the review of licences and certificates.**

2. Scope of the Licensing Act 2003

2.1 Subject to the conditions, definitions and the exemptions referred to in Schedule 1 of the Act, the types of entertainment regulated by the Act (as amended by the Live Music Act 2012 (“the 2012 Act”) and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) (“the 2013 Order”) are:

- a performance of a play;
- an exhibition of a film;
- an indoor sporting event;
- a boxing or wrestling entertainment;
- a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”);
- a performance of live music;
- any playing of recorded music;
- a performance of dance;
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.
- The supply of hot food and/or drink from any premises between 11.00 p.m. and 5.00 am

2.2 To be licensable, one or more of these activities needs to be provided (at least partly) to entertain an audience; has to be held on premises made available (again, at least in part) for the purpose of enabling that activity; and must also take place either:

- in the presence of a public audience, or
- in private, where a charge is made with a view to profit.

2.3 The amendments made to the Act by the 2012 Act and the 2013 Order do not prevent more than one activity (or for a single activity, more than one performance or event) being held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, in separate rooms or on separate floors. However, any person involved in organising or holding these activities must ensure that audiences do not grow or migrate so that the audience exceeds the relevant limit for any one performance or event at any time. If uncertain, it might be easier and more flexible to secure an appropriate authorisation.

2.4 **Circumstances under which activities will not be licensable.**

This Policy cannot give examples of every eventuality or possible entertainment activity. However, the following activities are examples of entertainment which are not licensable:

- education – teaching students to perform music or to dance;
- activities which involve participation as acts of worship in a religious context;
- activities that take place in places of public religious worship;
- the demonstration of a product – for example, a guitar – in a music shop;
- the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity);
- games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards);

- stand-up comedy;
- the provision of entertainment facilities (such as dance floors, which were previously licensable under the Act before its amendment by the 2012 Act).

2.5 As a result of amendments to the Act by the 2012 Act and the 2013 Order, no licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:

- a performance of a play in the presence of any audience of no more than 500 people;
- an indoor sporting event in the presence of any audience of no more than 1,000 people;
- most performances of dance in the presence of any audience of no more than 500 people; and
- live music, where the live music comprises:
 - a performance of unamplified live music;
 - a performance of live amplified music in a workplace with an audience of no more than 200 people; or
 - a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied. (Paragraph 16)

So, for example, an indoor sporting event that takes place between 07:00 and 23:30 on a particular day is licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30. Similarly, where the audience for a performance of dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.

3. The Area of the Lancaster City Council

- 3.1 The Lancaster City Council covers the historic, University City of Lancaster, the coastal resort of Morecambe, and the town of Carnforth and the surrounding rural areas. The premises within the area which will require to be licensed under the legislation are many and varied, catering for diverse tastes and consumer demands.
- 3.2 The Licensing Authority recognises that the entertainment, hospitality and leisure industry within its area is a major contributor to the economy of the area. It attracts tourists and visitors, makes for vibrant towns and communities, and is a major employer.
- 3.3 However, the area has a substantial residential population, whose amenity the Licensing Authority has a duty to protect. In particular, there are many residential properties within the town centres of Lancaster, Morecambe and Carnforth and also in the rural areas. Occupiers of commercial premises also have a legitimate expectation of an environment that is attractive and sustainable for their businesses.
- 3.4 It is necessary to balance all these competing interests, and especially at night.
- 3.5 In addition, the Licensing Authority will have regard to wider considerations affecting the amenity of any area. These include littering and fouling, noise and street crime, and the capacity of the infrastructure and resources to cope with the influx of visitors, particularly at night.
- 3.6 This policy sets out the general approach that the Licensing Authority will take in considering licence applications, both for new licences and for variations of existing

licences. However, it is important to recognise that all applications will be considered on their individual merits. It is also important to recognise that if no relevant representations are received from responsible authorities or other persons, the application must and will be granted in the terms sought and no additional conditions imposed.

3.7 The purpose of the policy is to assist officers and members in reaching a decision on a particular application, setting out those matters that will normally be taken into account. In addition, the policy seeks to provide clarity for applicants, residents and other occupiers of property and investors, enabling them to make plans to move to, remain or invest in the area with some measure of certainty.

3.8 The major aim of the Licensing Authority is to promote the City, Coast and Countryside within its boundary in a safe environment.

4. **Responsible Authorities and Other Persons**

4.1 The Act defines “responsible authorities”, for the purposes of the Act.

4.2 For the purposes of the area of the Lancaster City Council, these are:

Police – The Licensing Officer, Lancashire Constabulary, Divisional Headquarters, Thurnham Street, Lancaster LA1 1YB

Fire Authority – Fire Safety Department, Lancaster Fire Station, Cable Street, Lancaster LA1 1HH

Health and Safety at Work – Head of Health and Strategic Housing, Town Hall, Morecambe LA4 5AF

Environmental Pollution – Head of Health and Strategic Housing, Town Hall, Morecambe LA4 5AF

Regeneration and Policy – The Head of Regeneration and Policy Services, Palatine Hall, Dalton Square, Lancaster LA1 1PW

Protection of Children from Harm - Area Child Protection Committee, Quality and Review Manager, Social Services Directorate, PO Box 162 East Cliff County Offices, Preston PR1 3EA

Trading Standards – Metrology Section, 58-60 Guldhall Street, Preston, PR1 3NU

Chief Officer (Governance) – Lancaster City Council. The Town Hall, Dalton Square, Lancaster, LA1 1PJ

Director of Public Health – Lancashire County Council, Public Health Licensing, East Cliff, Park Hotel, 2nd Floor, Room 221, Preston, Lancashire, PR1 3EA

For information about the responsible authority in respect of the licensing of a vessel, applicants should seek further advice from the Licensing Authority.

4.3 **Other persons has now replaced the concept of interested parties and this means that the vicinity test has now been removed. Effectively anyone can now make a representation relating to an application for a premise licence as long as the representation is concerned with one of the four licensing objectives.**

- 4.4 S33 of the Policing and crime Act 2009 amended the definition of an interested party (Now other persons) to include a member of the relevant Licensing Authority. As such, a Councillor of Lancaster City Council may now make representations as a 'other person' This means that they could call for a review of a premise licence or continue to act in a representative capacity on behalf of ward residents for any new applications, or applications to vary.

5.0 Applications for Premises Licences and Club Premise Certificates.

- 5.1 The Licensing Authority requires that all applications for the grant, variation or transfer of any licence, permit or certificate detailed in the Act are made in accordance with the statutory requirements and any guidance issued from time to time by the Council. In particular, all such applications must be accompanied by the appropriate fee, where applicable, for them to be deemed to be properly made. Where such applications are statutorily required to be advertised, or notified to other specified persons, applicants are advised to confirm that such advertising or notification has been properly made. Applicants should be aware that failure to make an application in accordance with the statutory requirements will result in the application being returned and that the period for determination will not commence until a valid application has been submitted. Applications will not, however, be returned because of small administrative errors which can be easily corrected
- 5.2 It is important to ensure that the application accurately reflects the intended operation of the premises. The application must be accompanied by a plan of the premises which shows certain information as required by the Act (Premises Licences and Club Premises Certificate) Regulations 2005. This includes marking the areas of the premises which are proposed to be used for each licensable activity. It is important to note that, although consumption of alcohol is not itself a licensable activity, if the plan does not show outside areas (e.g. beer gardens or similar) then any premises licence which authorises the sale of alcohol 'for consumption ON the premises' only, as opposed to 'on and off the premises' would not authorise the use of such areas. In other words, the plan which is submitted as part of the application defines the 'premises' for the purpose of the licence.
- 5.3 As indicated above, the Act requires licence applicants to publicise their applications. This is to enable other persons and responsible authorities to make a representation if they wish. The Licensing Authority now has a statutory duty to advertise all applications on our website, however it is the licensing authorities' opinion that statutory publicity may not always bring applications to the attention of all parties. Therefore, in addition to putting applications on our web site, we will notify all members of the Council of applications for premises licences, club premises certificates and variations received on a weekly basis.
- 5.4 The Licensing Authority will offer guidance as appropriate to applicants on the completion of necessary documentation. It will issue and make readily available guidance notes on the procedures it requires for making applications for licences and will from time to time review such guidance.

6.0 Applications made by the Local Authority

6.1 When one part of the Council seeks a premises licence from the Licensing Authority, the Licensing officers will consider the matter from an entirely neutral standpoint. If relevant representations are made, for example, by local residents or the police, they will be considered fairly. Those making representations genuinely aggrieved by a positive decision in favour of a local authority application by the Licensing Authority will generally be entitled to appeal to the magistrates' court and thereby receive an independent review of any decision made.

7.0 Variations

7.1 Where a premises licence holder wishes to make changes to their licence or to their premises, the Act allows, in most cases, for an application to vary the licence to be made rather than requiring an application for a new premises licence. The Licensing Authority considers that, in general, any changes to the licence which may impact on one or more of the licensing objectives requires an application under section 34 of the Act.

7.2 The Act does, however, allow for a simplified procedure for varying a licence where the changes do not have a detrimental effect on the licensing objectives. These are:

- Changes to the name or address of anyone mentioned on the licence
- Variations to specify a new individual as the designated premises supervisor
- To disapply the mandatory condition requiring the sale of alcohol to be carried out under the authority of a personal licence holder and the need to have a designated premises supervisor in community premises.
- Minor variations which do not impact on the licensing objectives

7.3 Minor variations can include the following:

- Minor changes to the structure or layout of a premises
- Small adjustments to the licensing hours
- The removal of out of date irrelevant or unenforceable conditions
- Adding certain licensable activities including live music

7.4 Changes to the structure of the premises will not fall within the definition of a minor variation if they have an adverse impact on the licensing objectives. For example:

- If it increases the capacity for drinking on the premises;
- Affects access between the public part of the premises and the rest of the premises or the street or public way e.g. block emergency exits or routes to emergency exits;
- Impedes the effective operation of a noise reduction measure such as an acoustic lobby

7.5 The following alterations to licensing hours are excluded from the minor variation procedures:

- Extending licensing hours for the sale of alcohol for consumption on or off the premises between the hours of 23.00 and 07.00; or
- To increase the amount of time on any day during which alcohol may be sold or supplied for consumption off or on the premises.

- 7.6 Application to alter the times of other licensable activities under the minor variation procedure will be considered on a case by case basis but the following will be some of the matters considered:
- The nature of the licensable activity;
 - The extent of the additional hours sought and whether it will involve later opening or opening between 23.00 and 07.00;
 - Proximity of the premises to residential areas;
 - Any licence conditions in already place to mitigate the impact of the activity and any additional conditions volunteered by the applicant;
 - Arrangements for dispersal, i.e. when people leave the premises is there potential for noise and disturbance near the venue? Is the only means of dispersal a single route through residential areas?
 - Whether the proposed extension applies only at weekends;
 - Whether there will be any new admittances during the extended period;
 - The track record of the premises;
 - Whether the premises is already open during the extended period for other licensable activities;
 - Proximity and density of public houses, nightclubs, etc. if customers from these premises are likely to be attracted to the proposed licensable activities in large numbers. For example, people visiting a takeaway after leaving a public house
- 7.7 Applicants for minor variations may volunteer conditions to remove the risk of an adverse impact on the licensing objectives either as a result of their own risk assessments or after informal discussions with the responsible authorities. The Licensing Authority cannot, however, impose their own conditions during a minor variation procedure.
- 7.8 Where the Licensing Authority believes that a proposed minor variation will have an adverse effect on the licensing objectives the application will be refused. Any refusal of a minor variation application does not prevent an application for a full variation under section 34 of the Act being made.

8.0 Adult Entertainment

- 8.1 Following the introduction of the Police and Crime Act 2009, schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 has been amended to incorporate Sexual Entertainment Venues and this council has adopted the legislation
- 8.2 Premises offering lap dancing or any live performance or display of nudity on more than 11 occasions within a 12 month period, in addition to any relevant entertainment, will be required to obtain a Sex Establishment Licence under Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (if adopted) from the Authority authorising such activity. Applications for such premises will be considered on their individual merits.
- 8.3 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that

such entertainment will not be provided and a condition to this effect will be applied to the licence.

9.0 The Operating Schedule and Conditions

- 9.1 Part of the application form requires that an 'operating schedule' is submitted for all applications and variation applications. The operating schedule which must be submitted in a prescribed form, should be completed for all relevant applications. Where the application is for a variation to an existing licence, the operating schedule should detail any additional steps required in relation to that variation. It should outline how the premises will be operated, and the arrangements for promoting the four licensing objectives
- 9.2 The operating schedule must include all information necessary to enable the responsible authorities or interested parties to assess whether the steps outlined for the promotion of the licensing objectives are satisfactory. This will generally mean that applicants will need to complete their own detailed risk assessments on their businesses. Where the operating schedule does not provide enough details, there is an increased likelihood that representations will be made. Where these representations are relevant to the promotion of the licensing objectives, a hearing will follow, unless all parties agree that this is unnecessary.
- 9.3 The Department of Culture Media and Sport (DCMS) have produced a pool of model conditions that may be applied. Where any control measure is not relevant in respect of particular premises or activities, the Licensing Authority will not expect that measure to be mentioned in the operating schedule. Some measures will clearly not all be relevant in every case, and are not to be treated as absolute requirements and will not be used by the Licensing Authority to create standard conditions. Indeed, it is possible that, in respect of some premises no measures will be needed to promote one or more of the licensing objectives, for example, because they are adequately dealt with by other existing legislation.
- 9.4 The Licensing Authority acknowledges that where the responsible authorities and **other persons** do not raise any representations about an application, it is the duty of the Licensing Authority to grant the application subject only to conditions that are consistent with the operating schedule and any mandatory conditions prescribed by the Act.
- 9.3 Applicants should have regard to this licensing policy when preparing their operating schedules so that they are aware of the expectations of the Licensing Authority and of the other responsible authorities. Specific requirements to be met are detailed in this policy document. Other specific requirements are detailed in relevant legislation and in guidance documents.
- 9.4 In order to minimise problems and the necessity for hearings, applicants should consult with responsible authorities when operating schedules are being prepared. This would allow for proper liaison before representations prove necessary.
- 9.5 In the context of the above, the Licensing Authority will, as far as it is possible to do so, avoid imposing disproportionate and over-burdensome conditions on premises unless it is considered necessary to do so. Conditions will be tailored to the individual style and characteristics of the premises and events concerned. The Licensing Authority does not propose to implement standard conditions of licence as a matter of course, but may

draw upon the pool of model conditions issued by the DCMS, a copy of which will be available to applicants from the Licensing Office. The Licensing Authority is aware that the Lancashire Constabulary have produced an additional pool of licence conditions which they may request the Licensing Authority to use in appropriate circumstances. These are available from the Lancashire Constabulary. However, the Licensing Authority emphasises that it will only attach conditions as appropriate given the circumstances of each individual case and to achieve the licensing objectives. References to the DCMS and Lancashire Constabulary pools of conditions are included for the information and assistance of applicants, and the inclusion of a condition in either “pool” does not imply that the Licensing Authority will necessarily consider it appropriate to impose.

9.6 Applicants may include any of the conditions from the “pools” in their operating schedules.

9.7 Conditions not listed in either “pool” may be specifically tailored by the Council and attached to licences as appropriate.

9.8 The model conditions cover, among other things, issues surrounding:

- crime and disorder
- public safety
- cinemas and fire safety
- public nuisance
- protection of children from harm.

9.9 Where no representations have been made, the power to impose conditions exists only when the Act makes them compulsory or when they reflect the operating schedule proposed by the applicant. The Licensing Authority acknowledges that it may not itself impose any conditions unless its discretion has been engaged following the making of relevant representations and it has been satisfied of the necessity to impose conditions due to the representations made. It may then only impose such conditions as are necessary to promote the licensing objectives arising out of the consideration of the representations

9.10 There are a number of mandatory conditions that are attached to licences. For a full list of all the mandatory conditions refer to Appendix 4.

10.0 Licensing Objectives

10.1 Section 4 of the Act sets out the licensing objectives, which the Licensing Authority is under a duty to promote when carrying out its functions under the Act. The objectives are as follows:

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

10.2 These four objectives are the only matters that may be taken into account in considering an application, and any licence conditions attached following the consideration of relevant representations must be necessary to achieve these four objectives

- 10.3 The Licensing Authority considers that each of the licensing objectives is of equal importance for the purposes of this policy.
- 10.4 The Licensing Authority is of the view that the objective of the licensing process is to allow for the provision of alcohol, regulated entertainment and late night refreshment in a way which prevents crime and disorder, public nuisance and harm to children, ensures public safety and is not a detriment to the amenity of residents or businesses. This policy statement is therefore designed to deal with matters within the control of the licence holder and will focus on the impact of activities taking place on those living, working or otherwise engaged in the vicinity.
- 10.5 The Licensing Authority recognises that it is ultimately for the Designated Premises Supervisor to decide how best to manage the premises. However, the Authority expects that the DPS or another personal licence holder should normally be on the premises when alcohol is supplied.(except where in a case of a community premises the mandatory licence condition in S19 of the Act has been disapplied) If they are absent from the premises, they will still be ultimately responsible for the actions of those they authorise to permit sales of alcohol. It is considered good practice that any such authorisations should be in writing. Where any person who does not hold a personal licence is authorised to sell alcohol, the DPS is encouraged to provide, or ensure that, the authorised person has received some training on the requirements of the Licensing Act, and any conditions attached to the licence for the premises concerned. It is recommended that a record of such training be maintained.
- 10.6 The Licensing Authority recognises that Licensing functions are only one means of securing the delivery of the objectives. Delivery must therefore involve partnership working with local authorities, the Police, local businesses and local people working together towards the common promotion of the four objectives.
- 10.7 In particular, the Licensing Authority believes that this partnership working must involve the entertainment, hospitality and leisure industries. Co-operation and partnership are the best means of promoting the licensing objectives.
- 10.8 Each application will be considered on its individual merits. This policy does not seek to introduce 'zones' within the area where specific activities are concentrated.

11.0. Opening Hours

- 11.1 The Licensing Authority recognises that fixed and artificially early closing times in certain areas can lead to peaks of disorder and disturbance due to large concentrations of people leaving the premises at the same time.
- 11.2 This policy will not be used to fix those hours during which alcohol can be sold. In general, and subject to consideration by the Licensing Authority of any relevant representations, any licensed premises will be permitted to sell alcohol during the hours that they have applied for, provided that this is consistent with the licensing objectives.
- 11.3 However as stated above, there may be premises that are known to experience disorder and disturbance. Subject to representations from a responsible authority or other persons a limitation on licensing hours for those premises may be appropriate.
- 11.4 The Licensing Authority recognises that longer licensing hours can contribute to easing disorder and other problems that often occur at late night food premises, taxi ranks, private hire offices and other transport sources.

11.5 However, a limitation on licensing hours may be imposed in relation to individual premises if representations are received from a responsible authority or other persons and the premises are identified as a focus for disorder and disturbance.

11.6 As stated, the Licensing Authority will deal with applications on their individual merits. However as far as premises in residential areas are concerned, where relevant representations are received, stricter controls may be imposed in respect of opening hours to ensure that disturbance to local residents is minimised.

12.0 Protection of Children

12.1 The Licensing Authority recognises the great variety of premises for which licences may be sought. These will include theatres, cinemas, restaurants, pubs, nightclubs, cafes, take-aways, community halls and schools. Access by children to all types of premises will not be limited in any way unless it is considered necessary to do so in order to protect them from physical, moral or psychological harm. Equally, no premises will be obliged to allow access by children.

12.2 If relevant representations are received in relation to limiting access to children, the Licensing Authority will judge each application on its own individual merits. Examples which may give rise to concern in respect of children would include premises:-

- where entertainment of an adult or sexual nature is provided
- where there is a strong element of gambling taking place (but not, for example, the simple presence of a small number of cash prize gaming machines)
- with a known association with drug taking or dealing
- where there have been convictions of current members of staff for serving alcohol to those under 18
- with a reputation for under age drinking

12.3 In the case of premises which are used for film exhibitions, conditions will be imposed restricting access only to those who meet the required age limit in line with any certificate granted by the British Board of Film Classification or, in specific cases, a certificate given to the film by the Licensing Authority itself.

12.4 The options available for limiting access by children would include:-

- a limit on the hours when children may be present
- a limitation or exclusion when certain activities are taking place
- the requirement to be accompanied by an adult
- access may be limited to parts of the premises but not the whole
- an age limitation (for under 18s)

12.5 The Licensing Authority will not impose any condition which specifically requires access for children to be provided at any premises. Where no restriction or limitation is imposed the issue of access will remain a matter for the discretion of the individual licensee or club.

12.6 Under the Act, certain "responsible authorities" must be notified of and are entitled to make representations about applications for premises licences or club premises certificates or major variations of such licences or certificates, or to ask the licensing authority to review a licence or certificate. Applicants for premises licences and club premises certificates are required to send details of their applications to these bodies. In

connection with the protection of children the Licensing Authority considers the local Area Child Protection Committee to be the responsible body to which applications should be copied.

- 12.7 Where a large number of children are likely to be present on any licensed premises, for example a children's show or disco, the applicant may wish to consider including in the operating schedule arrangements for the presence of an appropriate number of adult staff to ensure public safety and the protection of the children from harm. The applicant should also consider whether employees working at the premises for such events and having unsupervised contact with children should have an enhanced Disclosure and Barring Service check.
- 12.8 Children may also be present at an event as entertainers, and where they are not accompanied by a parent or guardian, the applicant may wish to consider nominating an adult responsible for such child performers at such performances. The applicant should also consider whether a nominated adult should have had an enhanced DBS check.
- 12.9 Applicants may wish to include in their operating schedules arrangements to ensure that children will be restricted from viewing age-restricted films classified according to the recommendations of the British Board of Film Classification or the Licensing Authority itself. The Act provides that it is mandatory for a condition to be included in all premises licences and club premises certificates authorising the exhibition of films for the admission of children to the exhibition of any film to be restricted in accordance with the recommendations given to films either by the British Board of Film Classification or by the licensing authority itself.
- 12.10 The following matters will also be considered in relation to the protection of children from harm:
- Whether access of children to cigarette machines is restricted
 - Whether access of children to any gaming machines is restricted
 - Where appropriate, the procedures for ensuring that any customer coming onto the premises is over the age of 18
 - The steps taken to ensure that, where appropriate, all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to protect children from harm
- 12.11 Applicants may wish to indicate in the operating schedule how the protection of children from harm will be addressed. The above items are not intended to be exhaustive, and the applicant should have considered all relevant aspects of the protection of children from harm applicable to the particular premises.
- 12.12 It is the view of the Licensing Authority that children should not be exposed to entertainments of a sexual nature or to strong language at a too early an age. Conditions may be imposed, if representations are received, aimed at preventing such exposure either intentionally or accidentally. In some premises entertainment of an adult nature may be occasional or restricted to certain times of the day. In these cases, any restrictive conditions to protect children will apply only at these times. When submitting an application, if no reference is made to the provision of adult entertainment or services within an operating schedule at "Box N", then the Authority will interpret this to mean that such entertainment will not be provided and a condition to this effect will be applied to the licence.

13.0 Prevention of public nuisance

- 13.1 The most obvious aspect of public nuisance is noise. The primary source of noise is amplified music, either uncontained outdoors or emanating from premises, which do not have sufficient measures in place to contain the sound. Late at night or in the early hours of the morning, individuals shouting in the street or groups of people talking in an animated fashion generate a substantial level of noise and in some cases this is aggravated by offensive language.
- 13.2 As customers leave licensed premises, the sound of their conversation can disturb residents. Potentially greater problems arise when customers congregate or accumulate outside the licensed premises. However, it is clear that the person in control of the premises has a responsibility to ensure that disturbance to residents and businesses is kept to a minimum.
- 13.3 In considering licence applications where relevant representations are received, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and disorder having regard to all the circumstances of the application. When addressing public nuisance, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent public nuisance, taking account of the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:
- The steps the applicant has taken or proposes to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Such measures may include the installation of soundproofing, air conditioning, noise limitation devices and keeping windows closed during specified hours.
 - The steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent public nuisance
 - The steps the applicant has taken or proposes to prevent disturbance by patrons arriving at or leaving the premises, for example warning signs at exits, and warning announcements within the premises, and the use of door supervisors to pass on the message
 - The steps the applicant has taken or proposes to prevent queuing, or if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise manage and monitor the queue to prevent disturbance of obstruction, and to prevent patrons congregating outside the premises.
 - The implementation of a last admission time, and how the last admission time relates to the closing time of the premises
 - The steps the applicant has taken or proposes to take to manage queues so that patrons who will not gain admission before any last admission time are advised accordingly
 - The steps the applicant has taken to reduce queuing outside the premises and to minimise the length of time people have to queue at the premises
 - The steps the applicant has taken to advise patrons that they will not be admitted if they are causing a disturbance, and the steps taken to implement a procedure for banning patrons who continually leave or arrive at the premises in a manner which causes a public nuisance or disturbance.

- The arrangements made or proposed for parking by patrons and the effect of parking on local residents.
- The arrangements the applicant has made or proposes to make for security lighting at the premises, and the steps the applicant has taken or proposes to take to ensure that lighting will not cause a nuisance to residents.
- Whether there is sufficient provision for public transport for patrons, for example the provision of a free phone taxi service or other arrangements with taxi companies, and whether information is provided to patrons about the most appropriate routes to the nearest transport facilities.
- Whether taxis and private hire vehicles serving the premises or traffic flow from the premises are likely to disturb local residents.
- Whether routes to and from the premises pass residential premises.
- Whether other appropriate measures to prevent nuisance have been taken, such as the use of CCTV or the employment of an adequate number of licensed door supervisors.
- The measures proposed to prevent the consumption or supply of illegal drugs, including any search and disposal procedures.
- The procedures in place for ensuring that no customer leaves with bottles or glasses
- If the applicant has previously held a licence within the area of the Council, the history of any enforcement action arising from those premises.
- Whether the premises would result in increased refuse storage or disposal problems, or additional litter in the vicinity of the premises.
- The steps the applicant has taken or proposes to take in order to ensure that standards of public decency are maintained in any entertainment provided at the premises.
- If appropriate, whether music is played at a lower level towards the end of the evening in a “wind down period”.
- The applicant’s proposals for the length of time between the last sales of alcohol, and the closing of the premises
- The steps the applicant has taken to prevent noise and other public nuisance from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking

The above list is not intended to be exhaustive, and the applicant should consider all aspects of the operation that may affect public nuisance.

13.4 Since the introduction of the Health Act 2006 the requirement for patrons to go outside a premises to smoke has caused an increase in the number of noise and anti-social behaviour complaints received by this and other Councils. It is therefore expected by the Licensing Authority that the management of licensed premises will ensure that adequate provision is made to supervise those patrons who leave the premises for a short time to smoke, having regard to the health and safety of their staff. In certain cases some form of regular engagement between businesses and residents can lead to better understanding of the needs of each party and inspire a degree of trust.

13.5 The cumulative effects of litter around premises carrying on licensable activities can amount to public nuisance. The Licensing Authority requires that any premises that can cause litter, be it from a take away food establishment or cigarette debris left by its customers, must remove it at regular intervals. At the end of trading, management of the premises should arrange for a final check of the area immediately outside the premises, to ensure that no litter, spilled food or cigarette debris is left. In some cases it may be necessary to impose conditions on licences for take away premises which require litter

bins to be provided or for litter dropped around of the premises to be collected and removed at regular intervals at the licence holder's expense including washing away to the gutter any spilled food.

14.0 The prevention of crime and disorder

- 14.1 The central concerns of licensing in relation to law and order are acts of violence and vandalism brought about by consumption of alcohol and the use of licensed premises as part of a distribution network for illegal drugs.
- 14.2 It is not the function of licensing to impose good practice in the adoption of wider crime reduction measures, such as those for securing premises outside of trading hours. It is also not a purpose of licensing to require that measures be put in place to enhance the opportunities for gathering evidence in relation to crime of a general nature. However, the Licensing Authority recognises that CCTV cameras at premises have an important role in preventing crime and disorder.
- 14.3 The Licensing Authority's starting point is to seek a reduction in crime and disorder throughout the area, consistent with its statutory duty under section 17 of the Crime and Disorder Act 1998. Licences may be granted if applicants can demonstrate that a positive reduction in crime and disorder will result, or that it will not increase, as a result of the application being granted.
- 14.4 Where there are relevant representations, the Licensing Authority will generally not grant a licence where it is likely that the premises will be used for unlawful purposes or where it is considered that the use of the premises is likely to cause an increase in crime and disorder in the area or the premises and this cannot be prevented by the imposition of conditions. When addressing crime and disorder, the applicant should identify any particular issues which are likely to adversely affect the promotion of the objective to prevent crime and disorder, taking account the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided. Such steps as are required to deal with these issues should be included within the applicant's operating schedule, and may include:
- Use of CCTV inside and outside the premises. The Lancashire Constabulary has produced suggested minimum requirements for CCTV and these are available from the Lancashire Constabulary or from the Licensing Authority's administrative staff
 - Use of metal detection or other search equipment or procedures
 - Crime and disorder risk assessment in relation to the proposed activities
 - Measures to prevent the use or supply of illegal drugs and procedures for searching customers
 - Ensuring that all staff are appropriately trained
 - Ensuring that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to prevent crime and disorder
 - Employment of sufficient security staff where appropriate, controlling admission, monitoring capacity within the premises as a whole and in separate rooms/levels and patrolling the interior and exterior of the premises (any such staff must be licensed by the Security Industry Authority). The Licensing Authority recognises that there is a greater need for security staff in some premises than in others. For example there will be a greater need for security staff in a town centre nightclub than in a village pub. It will be for the applicant to consider the appropriate number of door staff required for the particular premises.

- Ensuring that a register of door staff and their working times is maintained
- Participation in Pub Watch, Best Bar None or other relevant schemes and using radio links/pages as a means of connecting to other licensed premises.
- Use of plastic or polycarbonate glasses and bottles, where appropriate, or toughened glass. Applicants are advised that the Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries
- Wherever possible, agreed protocols with police and other organisations and a commitment to co-operate and provide such evidence as the Police require.
- Adopting the “Night Safe Initiative” and “Safer Clubbing Guide” as statements of best practice
- Following the trade codes of practice, for example BBPA and Portman Group, and not carrying out any irresponsible drinks promotions
- Providing a suitable environment for customers having regard to the activities going on in the premises, in particular appropriate levels of seating
- Ensuring that there are sufficient transport facilities available to ensure that customers can leave the premises safely and swiftly.
- Maintaining an incident log
- The steps the applicant has taken to prevent crime and disorder issues from occurring in any open air parts of the premises, beer gardens, smoking shelters or areas that are used on an ad-hoc basis by patrons with the management consent for smoking, due to location, control within and management of such areas.

It should be noted that this list is not intended to be exhaustive. It may be appropriate for the applicant to consider other steps. Equally, the Licensing Authority recognises that not all the items in the list will be applicable to all premises.

- 14.5 Following the receipt of relevant representations, the Licensing Authority will not normally allow a person to be specified as a designated premises supervisor where that is likely to undermine the prevention of crime and disorder by reason of that person’s known past conduct. A person is likely to be considered unsuitable if he has previous unspent convictions for a relevant offence, notwithstanding that he may have been granted a personal licence. However, each case would be considered on its own merits in the light of representations received.

15.0 The promotion of public safety

- 15.1 The Act complements but does not seek to duplicate the statutory requirements of other legislation, which affect those who have responsibility for the conduct of licensed premises such as the Health and Safety at Work Etc. Act 1974.
- 15.2 One of the things which the licensing system can provide is agreement in advance on a standard layout for furniture, location of stage, placing of linked seats etc. so that licensees can be confident about their practical arrangements, provided that they stick to that way of doing things. With other legislative controls, there may be no official inspection of the arrangements made, unless there is an investigation when something has gone wrong.
- 15.3 As a consequence of the many common features of leisure businesses, such as the operation of door policies, competition for taxis and the interaction with people on the street late at night, individual premises necessarily function as part of a network of businesses, sharing information on crime and disorder issues which affect them all.

- 15.4 The Licensing Authority recognises that participation in forums such as Pub Watch and the proper use of network radios are key to the safe operation of the majority of leisure businesses. It may be appropriate for an operating schedule to include these practical matters.
- 15.5 Fire safety requirements are determined principally by specific fire safety legislation. The overall standard of fire safety is an important consideration in determining the suitability of premises for licensable activities.
- 15.6 The Licensing Authority will not use the licensing process to secure routine compliance with fire safety requirements, which arise from other legislation. Nevertheless in circumstances where fire safety inadequacies indicate that premises pose a risk to the health and safety to those who enter them and where specific fire safety enforcement does not provide a sufficient or sufficiently rapid remedy, the Licensing Authority will take appropriate steps to ensure that the risk is removed including, where necessary, and where a review of the licence is requested, revocation of the licence.
- 15.7 In addition the Licensing Authority will also consider and deal with the introduction of further hazards to public safety as part of an event and the exercise of controls over occupancy, so that premises can be cleared safely and efficiently, in the event of an emergency.
- 15.8 Where an applicant identifies an issue with regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should indicate in the operating schedule the steps which will be taken to ensure public safety. Depending on the location, size and likely clientele of the premises, and the type of entertainment (if any) to be provided, the following issues may be of relevance:
- The maximum capacity of the premises, and the arrangements for ensuring that a capacity limit is not exceeded and for monitoring capacity. This applies to the premises as a whole and to different rooms or levels within the premises.
 - Steps taken to ensure that all staff involved in the management of the premises have the capability, responsibility and training to supervise other staff and to ensure that the premises are operated in such a manner as to ensure the safety of the public
 - The design of the premises and in particular the capability of the structure to bear the likely loads to be imposed at maximum occupancy.
 - The structural condition of the premises and state of repair.
 - The condition of the electrical and gas services, and arrangements for temporary electrical installations.
 - The lighting, heating and ventilation systems.
 - The fire resisting and fire separation properties of the premises.
 - The means of escape from the premises.
 - The adequacy of the sanitary arrangements.
 - The use of flame retardant materials on fixtures and fittings.
 - The protection and safety of the audience, particularly at any indoor sporting event or boxing or wrestling entertainment.
 - The availability of qualified first aiders when the premises are open.
 - The protection and safety of performers of entertainment.

The Licensing Authority will expect the applicant to have carried out a risk assessment on these matters in producing the operating schedule. The above list is not intended to be exhaustive, and the Licensing Authority will expect the applicant to have considered

all relevant aspects of the safety and suitability of the premises which are not dealt with under other legislation, and which are within the control of the applicant.

16.0 Live Music, Dancing, Theatre and Indoor Sport

16.1 The Licensing Authority recognises that proper account should be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of communities generally. The potential for limited disturbance in neighbourhoods will be balanced with these wider benefits, particularly for children.

16.2 In determining what conditions should be attached to licences and certificates as a matter of necessity for the promotion of the licensing objectives, the Licensing Authority will be mindful of the need to avoid measures which deter live music, dancing and theatre, by imposing indirect costs of a disproportionate nature.

16.3 To encourage more performances of live music, the 2012 Act amended the Act by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, it remains licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08:00 or after 23:00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at relevant licensed premises at a time when those premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the Act (as amended by the 2012 Act) when imposing a condition on a premises licence or club premises certificate as a result of a licence review

16.4 The amendments made to the Act by the 2012 Act affect conditions relating to live music in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are suspended between the hours of 08:00 and 23:00 on the same day where the following conditions are met:

- at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the live music is amplified, the performance takes place before an audience of no more than 200 people; and
- the live music takes place between 08.00 and 23.00 on the same day.

16.5 However, even where the Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of a premises licence or club premises certificate, section 177A (3) of the Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority

may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.

- 16.6 The Licensing Authority will monitor the impact of any restrictions on regulated entertainment in the district, particularly on live music and dancing. If there is evidence that licensing requirements deter such activities, it will consider how to prevent this and, if necessary will review this policy, but will remain mindful of the licensing objectives.
- 16.7 The Licensing Authority recognises that performances of live music and dancing are central to the development of cultural diversity and vibrant communities where artistic freedom of expression is valued. Music and dancing also help to unite communities, and in ethnically diverse communities, new and emerging musical and dance forms can assist the development of a fully integrated society.
- 16.8 As a result of the 2013 Order, a performance of a play or dance, or an indoor sporting event, will no longer require a licence to the extent that certain qualifying conditions (see paragraph 2.6) are satisfied. Similarly, to the extent that those qualifying conditions are satisfied, any current licence condition that relates to an activity for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect
- 16.9 Where, however, non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 16.9 and 16.10 below.
- 16.10 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.
- 16.11 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers, if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor, where the presence of customers who had been consuming alcohol on the premises had led to serious disorder.
- 16.12 The Licensing Authority recognises that the absence of cultural provision in any area can itself lead to young people being diverted into anti-social activities that damage communities and the young people involved themselves.
- 16.13 The Licensing Authority is mindful that the Council itself, as landowner, may seek in its own name premises licences for appropriate public spaces within the district. This will make it easier for people to organise suitable cultural events on Council property.

17.0 Boxing and Wrestling

- 17.1 The 2013 Order amended the existing descriptions of regulated entertainment to make clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.
- 17.2 To the extent that a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.

18.0 Incidental Music

- 18.1 In addition to provisions introduced by the 2012 Act, the performance of live music or playing of recorded music is not regulated entertainment under the Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the Act.
- 18.2 As a result of the 2013 Order, the incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required as it takes place between 08:00 and 23:00 on the same day before an audience which does not exceed the relevant limit; such an activity would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required (e.g. because it is an indoor sporting event taking place between 08:00 and 23:00 before an audience which does not exceed 1,000).
- 18.3 Whether or not music is "incidental" to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor will be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the Act. Other factors might include some or all of the following:
- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
 - Is the music advertised as the main attraction?
 - Does the volume of the music disrupt or predominate over other activities, or could it be described as 'background' music?
- 18.4 Conversely, factors which would not normally be relevant in themselves include:
- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition.
 - Whether musicians are paid.
 - Whether the performance is pre-arranged.
 - Whether a charge is made for admission to the premises.

19.0 Tourism and Employment

- 19.1 The Licensing Authority will ensure that it receives, when appropriate, reports on the needs of the local tourist economy and the cultural strategy for the area to ensure that these are reflected in the considerations of its Committee and Sub-Committees.
- 19.2 The Licensing Act Committee will also ensure that it is kept informed of the employment situation in the area and the need for new investment and employment where appropriate.

20.0 Link between Licensing and Planning and other Regulatory Regimes

- 20.1 The Licensing Authority is mindful that the licensing and planning regimes should be kept separate to avoid duplication and inefficiency. A licensing application should not be a re-run of the planning application. Where considered necessary, the Licensing Act Committee will report to the Planning Committee on the situation regarding licensed premises within the area, including the general impact of alcohol-related crime and disorder. This will enable the Planning Committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap.
- 20.2 In general, planning permissions authorise a broad type of use of a premises, whereas licences are granted for a particular type of activity. A planning permission for an entertainment use may cover activities that can have a wide range of different impacts in the locality. The precise nature of the impacts of the specified activities proposed by a prospective licence holder need to be considered when an application is made for a premises licence or club premises certificate.
- 20.3 An application for a premises licence or club premises certificate will normally only be considered where the activity to be authorised by the licence is a lawful planning use of the premises, as evidenced by a valid planning consent, and the hours sought do not exceed those authorised by such planning consent. However, the Licensing Authority acknowledges that there may be circumstances where it is appropriate to deal with a licensing application before the planning process has been completed, and notes in particular the provisions in the Act in respect of provisional statements.
- 20.4 The Licensing Authority recognises that matters such as health and safety and fire safety are dealt with in other legislation, and will avoid duplication with other regulatory regimes so far as possible. Only conditions that are necessary for the promotion of the licensing objectives will be imposed, and only following the consideration of relevant representations.

21.0 Promotion of Racial Equality

- 21.1 The Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, places a legal obligation on public authorities to have due regard to the need to eliminate unlawful discrimination, and to promote equality of opportunity and good relations between persons of different racial groups.
- 21.2 The Council is required under the Race Relations Act 1976, as amended, to produce a race equality scheme, assess and consult on the likely impact of proposed policies on race equality, monitor policies for any adverse impact on the promotion of race equality, and publish the results of such consultations, assessments and monitoring.

21.3 The Licensing Authority will monitor the impact of this policy on race equality, and feed the results of such monitoring into the race equality scheme.

22.0 Administration, Exercise and Delegation of Functions

22.1 The powers of the Licensing Authority under the Act may be carried out by the Licensing Committee, a Sub-Committee, or by an officer acting under delegated authority.

22.2 Many licensing decisions will be purely administrative in nature, and where there are no relevant representations, the Licensing Authority takes the view that a decision should be delegated to officers in the interests of speed, efficiency and cost-effectiveness.

22.3 Accordingly, where there are no representations for example for an application for the grant of a premises licence or club premises certificate, the matter will be dealt with by officers. Applications where there are relevant representations will be dealt with by Members, as will any application for a review of a licence.

22.4 The Licensing Authority does not intend that a Sub-Committee considering an application will include any Member who represents the Ward in which the premises which are the subject of the application are situated.

22.5 Applicants are encouraged to address the licensing objectives in their Operating Schedule having regard to the type of premises, the licensable activities to be provided, the operational procedures, the nature of the location and the needs of the local community.

22.6 Applicants are encouraged to make themselves aware of any relevant planning and transportation policies, tourism and cultural strategies, local crime prevention strategies including the Lancaster District Alcohol Harm Reduction Strategy 2007 – 2010, and any other documents setting out good practice in relation to some or all types of premises (for example, "Safer Clubbing"). Applicants will be expected to have taken these into account, where relevant and appropriate, and to demonstrate when formulating their Operating Schedule that such policies and documents have been considered.

22.7 Where the Act or Regulations thereunder require the submission of plans, the Licensing Authority will generally require these to be drawn to the scale of 1 centimetre representing 100 centimetres, although a different scale may be permitted by prior agreement for plans of open land.

22.7 When determining applications the Licensing Authority will have regard to any Guidance issued by the Home Office. In particular, account will be taken of the need to encourage and promote live music, dancing and theatre for the wider cultural benefit of the community as a whole. If representations are made concerning the potential for limited disturbance in a particular neighbourhood, the Licensing Authority's consideration will be balanced against the wider benefits to the community.

22.8 When attaching conditions following the consideration of relevant representations, the Licensing Authority will also be aware of the need to avoid measures which might deter live music, dancing or theatre by imposing indirect costs of a substantial nature. However, this will be balanced with the need to promote the licensing objectives.

22.9 The Licensing Authority acknowledges the advice received from the Home Office that the views of vocal minorities should not be allowed to predominate over the general interests of the community.

22.10 The following table sets out the delegation arrangements established under Section 10 of the Act:

Matter to be dealt with	Sub Committee	Officers
Application for Personal Licence with relevant Unspent Convictions	If a Police representation made	If no Police representation made
Application for premises Licence/club premises Certificate	If a representation made	If no representation made
Application for Provisional statement	If a representation made	If no representation made
Application to vary premises licence/club premises certificate	If a representation made	If no representation made
Application to vary Designated premises Supervisor	If a police objection	All other cases
Request to be removed as designated premises supervisor		All cases
Application for transfer of premises licence	If a police objection	All other cases
Applications for interim authorities	If a police objection	All other cases
Application to review Premises Licence/club premises Certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious etc.		All cases

Decision to object when	All cases	
Determination of a Police objection to a Temporary event notice.		
Determination of film classification		
Determination of Minor Variations		
Disspapplication of the S19 requirement to have a designated premise supervisor in Community Premise		
Local Authority is a Consultee and not the relevant authority Considering the Application.		

23.0 Enforcement Policy

23.1 The Licensing Authority has established protocols with amongst others, the Lancashire Constabulary and Lancashire Fire and Rescue Service and the Council's Environmental Health service on enforcement issues to ensure efficiency in the deployment of local authority staff and the other regulatory services who may be engaged in enforcing licensing law and the inspection of licensed premises. For this purpose, a M.A.L.T (Multi-Agency Licensing Team) has been set up by the relevant enforcement agencies to ensure effective and focussed enforcement. Inspections will take place if and when they are judged necessary, and this should ensure that resources are more effectively concentrated on problem premises. On occasions, multi-agency enforcement inspections will be carried out in conjunction with Home Office approved enforcement campaigns. The protocols will provide for the targeting of agreed problem and high-risk premises, but with a lighter touch being applied to those premises which are shown to be well managed and maintained. The Authority recognises the Hampton principles of inspection and enforcement, which include:

- No inspection should take place without a reason , and
- Regulators should recognise that a key element of their activity will be to allow or even encourage, economic progress and only to intervene when there is a clear case for protection

23.2 In any enforcement action taken by the Licensing Authority, the key principles of consistency, transparency and proportionality will be maintained.

23.3 The name of a Designated Premises Supervisor will be displayed on the summary of the licence, which must be prominently displayed at the premises. For enforcement

purposes, if the Designated Premises Supervisor is not present at the premises, the Licensing Authority considers that it is good practice for name of the personal licence holder or another person authorised for the sale of alcohol to be displayed in a prominent position on the premises to provide a point of contact for the enforcement agencies.

24.0 Early Morning Alcohol Restriction Orders

- 24.1 This section provides guidance about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the Act. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.
- 24.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.
- 24.3 An EMRO:
- applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices;
 - applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week;
 - applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event);
 - applies to the whole or any part of the licensing authority’s area;
 - will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January each year);
 - will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through mini-bars and/or room service; and
 - will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Act.
- 24.4 An EMRO can apply to the whole or part of the licensing authority’s area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.
- 24.5 The final decision to make an EMRO (or to vary or revoke one) would be made by the full council of the licensing authority. Any preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority.
- 24.6 Before the licensing committee determines to recommend that the full council make a proposed EMRO, it would have to be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The licensing authority would consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its

own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.

25.0 Personal Licences

- 25.1 Much of the foregoing policy inevitably relates to premises licences and club premises certificates. However, the Licensing Authority will also be responsible for issuing personal licences authorising individuals to supply alcohol or to authorise the supply of alcohol, in accordance with a premises licence.
- 25.2 Provided that an applicant fulfils the requirements of Section 120 (2) (a), (b) and (c), of the Act, a licence will be granted unless the applicant has a relevant conviction or a foreign conviction as defined in the Act. In the event of such a conviction, the application will be referred to the Police, and if the Police give an objection notice, a hearing will generally be held. Whilst each application and objection will be considered on its merits, the application will normally be rejected if the Licensing Authority considers this necessary for the crime prevention objective.
- 25.3 From the 1st April 2015 the requirement to renew a personal licence has been removed. As a result of that amendment a personal licence will no longer have an expiry date.

26.0 Permitted temporary activities

- 26.1 Where a person wishes to use premises for one or more of the licensable activities for a period not exceeding 168 hours or 7 days a premises licence is not required. The person can simply serve a temporary event notice on the Licensing Authority notifying them of the event. The notice must be served on the Licensing Authority and a copy served on the police and the local authority exercising environmental health functions no later than ten working days before the event is to begin (not including either the day the notice is received or the day of the event) or 5 working days in the case of a late TEN. However the Licensing Authority would encourage applicants to give as much notice as possible so that the notice can be given full consideration
- 26.2 The maximum number of persons allowed on the premises at the same time during the temporary event is 499.
- 26.3 If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person who served the notice.
- 26.4 Only the police and the local authority exercising environmental health functions may object to the staging of a temporary event and they may do so only on the ground that allowing the premises to be used as proposed would undermine any of the four licensing objectives.
- 26.5 The Licensing Authority must consider an objection notice and any representations which the premises user may wish to make. This is likely to be by way of a hearing unless all parties agree that a hearing is unnecessary. The Licensing Authority will give notice of its decision and the reasons for the decision. If the Licensing Authority upholds the objection it may serve a counter notice and the temporary event will not be able to be staged or it may attach conditions to the TEN. The licensing authority acknowledges that it cannot attach any condition in relation to a TEN that is not already attached to the premise licence if applicable. It is hoped that organisers of such activities will voluntarily

comply with the requirements of this policy in staging their events. When considering objections the Licensing Authority will take account of the provisions of this document.

- 26.6 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised. The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

- 26.7 There are statutory limitations on the number of temporary event notices which can be given by individuals and which can be given in relation to particular premises.

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the periods covered by temporary event notices at any individual premises (21 days per calendar year); and
- the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499).

- 26.8 For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices.

27.0 **Contact Details /Advice / Guidance**

Applicants can obtain further details about licensing or the application process from:

The Licensing Manager or any other officer in the Licensing Section.

Telephone: 01524 582317
Fax: 01524 582368
e-mail: licensing@lancaster.gov.uk

Licensing staff will be willing to give general advice to potential applicants. For specific advice on any intended application, an applicant may wish to consult a solicitor who has specialist knowledge of the Act.

SUMMARY OF PROPOSED CHANGES TO EXISTING POLICY

June 2015



Paragraph number ⁱ	Title/description ⁱⁱ	Proposed amendment ⁱⁱⁱ	Reason ^{iv}
1	Introduction	1.7 inserted amended wording:- The policy covers new applications, transfers, variations of licences and certificates and provisional. It also includes the review of licences and certificates.	Clarity
2.	Scope of the Licensing Act	Inserted words in Bold:- 2.1 Subject to the conditions, definitions and the exemptions referred to in Schedule 1 of the Act, the types of entertainment regulated by the Act (as amended by the Live Music Act 2012 (“the 2012 Act”) and the Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013) (“the 2013 Order”) are: <ul style="list-style-type: none"> • a performance of a play; • an exhibition of a film; • an indoor sporting event; • a boxing or wrestling entertainment; • a contest, exhibition or display which combines boxing or wrestling with one or more martial arts (“combined fighting sports”); • a performance of live music; • any playing of recorded music; • a performance of dance; • entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance. • The supply of hot food and/or drink from any premises between 11.00 p.m. and 5.00 am 	Changes to the legislation.

2.2 To be licensable, one or more of these activities needs to be provided (at least partly) to entertain an audience; has to be held on premises made available (again, at least in part) for the purpose of enabling that activity; and must also take place either:

- in the presence of a public audience, or
- in private, where a charge is made with a view to profit.

2.3 The amendments made to the Act by the 2012 Act and the 2013 Order do not prevent more than one activity (or for a single activity, more than one performance or event) being held concurrently, provided that the audience for each such performance or event does not exceed the threshold at which such a performance or event becomes licensable. In some circumstances, there will be a clear distinction between performances or events; for example, in separate rooms or on separate floors. However, any person involved in organising or holding these activities must ensure that audiences do not grow or migrate so that the audience exceeds the relevant limit for any one performance or event at any time. If uncertain, it might be easier and more flexible to secure an appropriate authorisation.

2.4 Circumstances under which activities will not be licensable.

This Policy cannot give examples of every eventuality or possible entertainment activity. However, the following activities are examples of entertainment which are not licensable:

- education – teaching students to perform music or to dance;
- activities which involve participation as acts of worship in a religious context;
- activities that take place in places of public

	<ul style="list-style-type: none"> • religious worship; • the demonstration of a product – for example, a guitar – in a music shop; • the rehearsal of a play or performance of music for a private audience where no charge is made with a view to making a profit (including raising money for charity); • games played in pubs, youth clubs etc. (e.g. pool, darts, table tennis and billiards); • stand-up comedy; • the provision of entertainment facilities (such as dance floors, which were previously licensable under the Act before its amendment by the 2012 Act). 	
	<p>2.6 As a result of amendments to the Act by the 2012 Act and the 2013 Order, no licence is required for the following activities to the extent that they take place between 08:00-23:00 on any day:</p> <ul style="list-style-type: none"> • a performance of a play in the presence of any audience of no more than 500 people; • an indoor sporting event in the presence of any audience of no more than 1,000 people; • most performances of dance in the presence of any audience of no more than 500 people; and • live music, where the live music comprises: <ul style="list-style-type: none"> • a performance of unamplified live music; • a performance of live amplified music in a workplace with an audience of no more than 200 people; or • a performance of live music on licensed premises which takes place in the presence of an audience of no more than 200 people, provided that a number of important conditions are satisfied. (Paragraph 16) 	
	<p>So, for example, an indoor sporting event that takes place between 07:00 and 23:30 on a particular day is licensable in respect of activities taking place between 07:00-08:00 and 23:00-23:30. Similarly, where the audience for a performance of</p>	

		dance fluctuates, those activities are licensable if, and for so long as, the number of people in the audience exceeds 500.	
4.	Responsible Authorities and Other Persons	<p>4.2 Added details for Public Health and Chief Officer Governance:-</p> <p>Chief Officer (Governance) – Lancaster City Council. The Town Hall, Dalton Square, Lancaster, LA1 1PJ</p> <p>Director of Public Health – Lancashire County Council, Public Health Licensing, East Cliff, Park Hotel, 2nd Floor, Room 221, Preston, Lancashire, PR1 3EA</p> <p>Inserted:-</p> <p>4.3 Other persons has now replaced the concept of interested parties and this means that the vicinity test has now been removed. Effectively anyone can now make a representation relating to an application for a premise licence as long as the representation is concerned with one of the four licensing objectives.</p>	<p>Change to legislation making additional Responsible Authorities.</p> <p>Change to legislation.</p> <p>Throughoutout policy reference to ‘interested party’ has been replaced with ‘other person’</p>
5.0	Applications for Premises Licences and Club Premise Certificates	<p>Inserted:-</p> <p>5.3 The Licensing Authority now has a statutory duty to advertise all applications on our website,</p>	Change to legislation
16.0	Live Music, Dancing, Theatre and Indoor Sport	<p>Inserted:-</p> <p>16.3 To encourage more performances of live music, the 2012 Act amended the Act by deregulating aspects of the performance of live music so that in certain circumstances live music is not a licensable activity. However, it remains licensable:</p> <ul style="list-style-type: none"> • where a performance of live music – whether amplified or unamplified – takes place before 08:00 or after 23:00 on any day. 	Clarification and transparency

	<ul style="list-style-type: none"> • where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment; • where a performance of amplified live music takes place at relevant licensed premises at a time when those premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises • where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 200 people; or • where a licensing authority intentionally removes the effect of the deregulation provided for by the Act (as amended by the 2012 Act) when imposing a condition on a premises licence or club premises certificate as a result of a licence review 	
	<p>16.4 The amendments made to the Act by the 2012 Act affect conditions relating to live music in licensed premises. Any existing licence conditions on relevant licensed premises (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music remain in place, but are suspended between the hours of 08:00 and 23:00 on the same day where the following conditions are met:</p> <ul style="list-style-type: none"> • at the time of the live music, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises; • if the live music is amplified, the performance takes place before an audience of no more than 200 people; and • the live music takes place between 08.00 and 23.00 on the same day. 	
	<p>16.5 However, even where the Act (as amended by the 2012 Act) has deregulated aspects of the performance of live music, it remains possible to apply for a review of a premises licence or club premises certificate if there are appropriate grounds to do so. On a review of</p>	

a premises licence or club premises certificate, section 177A (3) of the Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to live music. Similarly, under section 177A(4), a licensing authority may add a condition relating to live music as if live music were regulated entertainment, and as if that premises licence or club premises certificate licensed the live music.

16.8 As a result of the 2013 Order, a performance of a play or dance, or an indoor sporting event, will no longer require a licence to the extent that certain qualifying conditions (see paragraph 2.6) are satisfied. Similarly, to the extent that those qualifying conditions are satisfied, any current licence condition that relates to an activity for which a licence is no longer required will (except in the circumstances described in the next paragraph) have no effect

16.9 Where, however, non-licensable activities take place at the same time as other activities for which a licence is required (e.g. the sale or supply of alcohol for consumption on the premises), conditions included in a licence may nevertheless apply to the non-licensable activities in the circumstances set out in paragraphs 16.10 and 16.11 below.

16.10 If appropriate for the promotion of the licensing objectives, and if there is a link to remaining licensable activities, conditions that relate to non-licensable activities can be added to or altered on that premises licence or club premises certificate at review following problems occurring at the premises. This has been a feature of licence conditions since the Act came into force. A relevant example could be the use of conditions relating to large screen broadcasts of certain sporting events which, combined with alcohol consumption, create a genuine risk to the promotion of the licensing objectives. It is also not uncommon for licence conditions relating to the sale of alcohol to restrict access to outside areas, such as unlicensed beer gardens, after a certain time.

17.0	Boxing and Wrestling	<p>16.11 Similarly, while karaoke no longer needs licensing as the provision of entertainment facilities (and will generally be classed as a performance of live music) it might, for example, be possible on review to limit the use or volume of a microphone made available for customers, if a problem had occurred because of customers purchasing alcohol for consumption on the premises becoming louder and less aware of causing noise nuisance later in the evening. Another example might be a condition restricting access to a dance floor, where the presence of customers who had been consuming alcohol on the premises had led to serious disorder.</p> <p>Inserted:-</p> <p>17.1 The 2013 Order amended the existing descriptions of regulated entertainment to make clear that both an indoor boxing or wrestling entertainment cannot also be an indoor sporting event, and that any contest, exhibition or display combining boxing or wrestling with one or more martial arts ('combined fighting sports') is – whether indoors or not – a boxing or wrestling entertainment.</p> <p>17.2 To the extent that a premises licence or club premises certificate purports to authorise a boxing or wrestling entertainment or combined fighting sports as an 'indoor sporting event', the 2013 Order provides that the authorisation will be treated as having authorised those activities as a boxing or wrestling entertainment. Those activities will continue to be subject to any relevant conditions attached to that authorisation.</p>	Amendments to the legislation
18.0	Incidental Music	<p>Inserted:-</p> <p>18.1 In addition to provisions introduced by the 2012 Act, the performance of live music or playing of recorded music is not regulated entertainment under the Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the Act.</p> <p>18.2 As a result of the 2013 Order, the incidental music exemption can apply to an indoor sporting event or a</p>	Changes to the legislation.

performance of a play or dance for which no licence is required as it takes place between 08:00 and 23:00 on the same day before an audience which does not exceed the relevant limit; such an activity would no longer be a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment, such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required (e.g. because it is an indoor sporting event taking place between 08:00 and 23:00 before an audience which does not exceed 1,000).

18.3 Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor will be whether, against a background of the other activities already taking place, the addition of music` will create the potential to undermine the promotion of one or more of the four licensing objectives of the Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities, or could it be described as ‘background’ music?

18.4 Conversely, factors which would not normally be relevant in themselves include:

- The number of musicians, e.g. an orchestra providing incidental music at a large exhibition.
- Whether musicians are paid.
- Whether the performance is pre-arranged.
- Whether a charge is made for admission to the premises.

24.0	Early Morning Alcohol Restriction Orders	<p>Inserted:-</p> <p>24.1 This section provides guidance about Early Morning Alcohol Restriction Orders (“EMROs”). The power conferred on licensing authorities to make, vary or revoke an EMRO (or propose to take any of these steps) is set out in sections 172A to 172E of the Act. This power enables a licensing authority to prohibit the sale of alcohol for a specified time period between the hours of 12am and 6am in the whole or part of its area, if it is satisfied that this would be appropriate for the promotion of the licensing objectives.</p> <p>24.2 EMROs are designed to address recurring problems such as high levels of alcohol-related crime and disorder in specific areas at specific times; serious public nuisance; and other instances of alcohol-related anti-social behaviour which is not directly attributable to specific premises.</p> <p>24.3 An EMRO:</p> <ul style="list-style-type: none"> • applies to the supply of alcohol authorised by premises licences, club premises certificates and temporary event notices; • applies for any period beginning at or after 12am and ending at or before 6am. It does not have to apply on every day of the week, and can apply for different time periods on different days of the week; • applies for a limited or unlimited period (for example, an EMRO could be introduced for a few weeks to apply to a specific event); • applies to the whole or any part of the licensing authority’s area; • will not apply to any premises on New Year’s Eve (defined as 12am to 6am on 1 January each year); • will not apply to the supply of alcohol by those who provide hotel or similar accommodation to their residents between 12 am and 6am, provided the alcohol is sold at those times only through 	<p>Explanation of the procedure in relation to EMRO’s</p>
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		<ul style="list-style-type: none"> mini-bars and/or room service; and will not apply to a relaxation of licensing hours by virtue of an order made under section 172 of the Act. <p>24.4 An EMRO can apply to the whole or part of the licensing authority's area. The area may, for example, comprise a single floor of a shopping complex or exclude premises which have clearly demonstrated to the licensing authority that the licensable activities carried on there do not contribute to the problems which form the basis for the proposed EMRO.</p> <p>24.5 The final decision to make an EMRO (or to vary or revoke one) would be made by the full council of the licensing authority. Any preceding steps, including advertising the proposed EMRO, holding hearings and making a determination to put before the full council for its final decision, are for the licensing committee of the licensing authority.</p> <p>24.6 Before the licensing committee determines to recommend that the full council make a proposed EMRO, it would have to be satisfied that it has sufficient evidence to demonstrate that making the EMRO would be appropriate for the promotion of the licensing objectives. The licensing authority would consider evidence from partners, including responsible authorities and local Community Safety Partnerships, alongside its own evidence, to determine whether an EMRO would be appropriate for the promotion of the licensing objectives.</p>	
25.0	Personal Licences	<p>Inserted:-</p> <p>25.3 From the 1st April 2015 the requirement to renew a personal licence has been removed. As a result of that amendment a personal licence will no longer have an expiry date.</p>	Amendment to legislation
26.0	Permitted Temporary Activities	<p>Amended as follows(amendments in bold):-</p> <p>26.1 Where a person wishes to use premises for one or</p>	Amendment to legislation

more of the licensable activities for a period not exceeding **168 hours or 7 days** a premises licence is not required. The person can simply serve a temporary event notice on the Licensing Authority notifying them of the event. The notice must be served on the Licensing Authority and a copy served on the police **and the local authority exercising environmental health functions** no later than ten working days before the event is to begin (not including either the day the notice is received or the day of the event) **or 5 working days in the case of a late TEN**. However the Licensing Authority would encourage applicants to give as much notice as possible so that the notice can be given full consideration

26.2 The maximum number of persons allowed on the premises at the same time during the temporary event is 499.

26.3 If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person who served the notice.

26.4 Only the police **and the local authority exercising environmental health functions** may object to the staging of a temporary event and they may do so only on the ground that allowing the premises to be used as proposed would undermine **any of the four licensing objectives**.

26.5 The Licensing Authority must consider an objection notice and any representations which the premises user may wish to make. This is likely to be by way of a hearing unless all parties agree that a hearing is unnecessary. The Licensing Authority will give notice of its decision and the reasons for the decision. If the Licensing Authority upholds the objection it may serve a counter notice and the temporary event will not be able to be staged **or it may attach conditions to the TEN. The licensing authority acknowledges that it cannot attach any condition in relation to a TEN that is not already attached to the premise licence if applicable. It is hoped that organisers of such activities will voluntarily comply with the**

requirements of this policy in staging their events. When considering objections the Licensing Authority will take account of the provisions of this document.

26.6 Late notices can be given no later than 5 working days but no earlier than 9 working days before the event in relation to which the notice is given. A late notice given later than 5 working days before the event to which it relates will be returned as void and the activities described in it will not be authorised. The number of late notices that can be given in any one calendar year is limited to 10 for personal licence holders and 2 for non-personal licence holders. These count towards the total number of temporary event notices (i.e. 50 temporary event notices per year for personal licence holders and 5 temporary event notices for non-personal licence holders).

If there is an objection from either the police or local authority exercising environmental health functions, the event will not go ahead and a counter notice will be issued.

26.7 There are statutory limitations on the number of temporary event notices which can be given by individuals and which can be given in relation to particular premises.

- the number of times a person may give a temporary event notice (50 times per year for a personal licence holder and 5 times per year for other people);
- the number of times a person may give a late temporary event notice (10 times per year for a personal licence holder and 2 times per year for other people);
- the number of times a temporary event notice may be given in respect of any particular premises (12 times in a calendar year);
- the length of time a temporary event may last for these purposes (168 hours or 7 days);
- the maximum aggregate duration of the

		<p>periods covered by temporary event notices at any individual premises (21 days per calendar year); and</p> <ul style="list-style-type: none"> the scale of the event in terms of the maximum number of people attending at any one time (a maximum of 499). <p>26.8 For the purposes of determining the overall limits of 50 temporary event notices per personal licence holder (in a calendar year) and of 5 for a non-personal licence holder (in a calendar year), temporary event notices given by an associate or a person who is in business with a premises user (and that business involves carrying on licensable activities) count towards those totals. The limits applying to late temporary event notices are included within the overall limits applying to the total number of temporary event notices.</p>	
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- ⁱ List in this column the paragraph number from the licensing policy as published by your authority. Only list those paragraphs which are proposed to be amended
- ⁱⁱ Set out the paragraph or section heading to give an indication of the matter covered by the paragraph
- ⁱⁱⁱ Insert details of the proposed amendment eg "delete X", "insert Y", "insert replacement as follows 'Z...'"
- ^{iv} Where possible, give a reason for making the amendment eg "to correct an error", "transitional provisions are no longer relevant"

LICENSING ACT COMMITTEE

**Gambling Act 2005
Consultation on the Draft Revised Statement of Licensing Policy
18th June 2015**

Report of the Licensing Manager

PURPOSE OF REPORT

This report is to inform Members that the consultation process for the Gambling Act 2005 revised Statement of Policy as required by Section 349 of the Act will begin on 31st July 2015

This report is public

RECOMMENDATIONS

That the report be noted.

1.0 Introduction

- 1.1 Section 349 of the Gambling Act 2005 provides that each licensing authority shall, before each successive period of three years, prepare a statement of the principles that they propose to apply in exercising their functions under the Act during that period, and, publish that statement.
- 1.2 The current policy came into force in January 2013. A revised Draft Statement of Gambling Licensing Policy and a summary of the proposed changes has been prepared by the licensing manager and is attached at appendix 1 to this report.
- 1.3 When updating the policy the licensing manager has had regard to the latest Draft Guidance from the Gambling Commission which is currently out for consultation, and is due to be finalised shortly. The draft Statement of Gambling Licensing Policy which will go out from this Council for consultation may be amended in light of anything contained in the final guidance when released by the Gambling Commission.
- 1.4 For the purpose of reviewing the Licensing Policy, in accordance with the requirements of the Act, Lancaster City Council are required to consult with:
 - The Chief Officer of Police for the area
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area

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

1.5 Consultation on a revised draft Statement of Gambling Licensing Policy will be held from 31st July 2015 until 24 October 2015. In addition to the statutory requirements regarding consultation as outlined above, the following steps will be taken to ensure the consultation will be as effective as possible:-

- A press release will be issued regarding the consultation process
- The revised draft Statement of Gambling Licensing Policy will be made available on the council's website
- Copies of the above document will be made available at the council's offices
- All premises that hold an alcohol licence under the Licensing Act 2003 will be consulted
- All premises that hold a licence under the Gambling Act 2005 will be consulted

2.0 Consultation Process

2.1 Letters will be sent to all licence holders, and all other stakeholders, requesting responses by 24th October 2015.

Copies of the Draft revised policy will be placed on the Lancaster City Council website on the licensing page, as well as in the Town Halls in Morecambe and Lancaster

A press release will be published in the Lancaster Guardian.

2.2 Any responses from the consultation will be reported back to this Committee on the 3rd December 2015.

2.3 The Policy will then go to full Council on 16th December 2015, for implementation in January 2016, in order to satisfy the statutory time frames.

3.0 Conclusion

3.1 The Licensing Authority is required by the Act to revise its Statement of Gambling Licensing Policy every 3 years, and to consult with stakeholders, before publishing and implementing the updated Policy. This report is intended to inform members that the consultation process will be starting.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

None.

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The report has been prepared on behalf of the Chief Officer (Governance).

BACKGROUND PAPERS

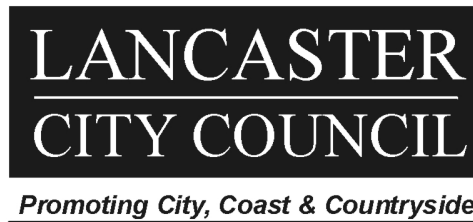
None

Contact Officer: Ms W Peck

Telephone: 01524 582317

E-mail: wpeck@lancaster.gov.uk

Ref: WP



Gambling Act 2005

Statement of Gambling Policy

January 2016

Lancaster City Council has completed this document. If you would like a copy of it in another language, in large print or audio tape please contact us by calling 01524 582000 or email us at licensing@lancaster.gov.uk.

Any queries regarding this policy should be addressed to:-

**Licensing Manager
Lancaster City Council
Town Hall
Dalton Square
Lancaster LA1 1PJ**

E-mail: licensing@lancaster.gov.uk

Further copies may be obtained from the above address or from the council's website:-

www.lancaster.gov.uk

Statement of Licensing Policy

Gambling Act 2005

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*This Statement of Gambling Licensing Policy was approved by Lancaster City Council on ??
December 2015*

*All references to the "Guidance" refers to the Gambling Commission's Guidance to Local
Authorities published in ??? 2015.*

Preface

Under the Gambling Act 2005, a new regime for regulating gambling and betting was introduced throughout the United Kingdom from 1 September 2007. Apart from the National Lottery and spread betting, gambling and betting will be regulated by the Gambling Commission, whose duties include licensing the operators and individuals involved in providing gambling and betting facilities.

Lancaster City Council, along with other local licensing authorities, has a duty under the Act to license premises where gambling is to take place and to license certain other activities (such as registering small society lotteries). This document sets out how the council intends to approach this task.

In addition, the [Gambling \(Licensing and Advertising\) Act 2014](#) came into force on 1 November 2014 and amends the Act. It requires gambling operators that transact with or advertise to British consumers to obtain a licence from the Commission. The Act (as amended) has implications for remote operators and does not impact the powers or authority of licensing authorities. For further information, please refer to the [Commission guidance on implementing the Gambling \(Licensing and Advertising\) Act](#).

In preparing this document, Lancaster City Council has worked with, with the Lancashire officers Group and the other district councils in Lancashire. The councils continue to work together to share best practice in an effort to ensure, so far as practicable, consistency of approach across the region.

Part A

1. The Licensing Objectives

- 1.1 In exercising most of their functions under the Gambling Act 2005 (“the Act”), licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 1.2 It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.
- 1.3 This licensing authority is aware that, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission
 - in accordance with any relevant guidance issued by the Gambling Commission
 - reasonably consistent with the licensing objectives and
 - in accordance with the authority’s statement of licensing policy

Authorised Activities

- 1.4 ‘Gambling’ is defined in the Act as either gambling, betting or taking part in a lottery:
- ‘gaming’ means playing a game of chance for a prize;
 - ‘betting’ means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true;
 - a ‘lottery’ is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

- 1.5 Private gaming in private dwellings and on domestic occasions is exempt from licensing or registration providing that no charge is made for participating; only equal chance gaming takes place; and it does not occur in a place to which the public have access. Domestic betting between inhabitants of the same premises or between employees of the same employer is also exempt.
- 1.6 Non-commercial gaming and betting (where no parts of the proceeds are for private gain) may be subject to certain exemptions. Further advice should be sought from the council's Licensing Team where appropriate.

2.0 Introduction

- 2.1 In terms of area, Lancaster is the second largest district council in Lancashire, covering a total of 576 square kilometres. The boundaries extend to Cumbria and South Lakeland District in the North, North Yorkshire and Craven District in the East, and Wyre Borough in the South. A map of the district is included at Appendix 5.
- 2.2 There are two large urban centres of population, at Lancaster and Morecambe, and a smaller town, Carnforth, to the north, together with an extensive rural area. The district has an estimated total population of 145,500 (mid-2007 estimate). This makes Lancaster City Council the largest district council, in terms of population, in the North West. An influx of tourists, to the seaside resort of Morecambe and to the historic city of Lancaster, increases this population further, especially during the summer months.
- 2.3 Approximately 71% of the population live in the city of Lancaster and the seaside town of Morecambe and Heysham. Lancaster itself has two higher education establishments, namely Lancaster University and University of Cumbria.
- 2.4 The remaining 29% of the population live in a network of settlements of varying sizes along the A6 and along the Lune Valley.

The population profile is illustrated below;

Years of Age	0 to 14	15 to 74	75 and over
Total	22,100	109,500	11,900

- 2.5 A map of the council's area is included at Appendix 5. The key provided identifies the urban/rural areas.
- 2.6 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must

be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must be then re-published.

- 2.7 Lancaster City Council is consulting widely upon this statement before finalising and publishing it. A list of those persons consulted is included at Appendix 1.
- 2.8 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
 - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority’s area;
 - One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority’s functions under the Gambling Act 2005.
- 2.9 Lancaster City Council’s consultation took place between 1st August 2015 and 24th October 2015 and we followed the HM Government Code of Practice on Consultation (published July 2008) which is available at: <http://www.berr.gov.uk/whatwedo/bre/consultation-guidance/page44458.html>
- 2.10 The full list of comments made and the consideration by the council of those comments is available by request to the person named below.
- 2.11 The policy was approved at a meeting of the Full Council on ?? December 2015. It was published in draft via website on 1st August 2015. Copies were placed in the public libraries of the area as well as being available in the Council Offices. Please contact the person named below for more information.
- 2.12 Should you have any queries regarding this policy statement please send them via e-mail or letter to the following contact:
- The Licensing Manager, Lancaster City Council, Town Hall, Lancaster, LA1 1PJ
E-mail: licensing@lancaster.gov.uk
Tel: (01524) 582317
- 2.13 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

3.0 Declaration

- 3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to the Licensing Authorities

issued by the Gambling Commission, and any responses from those consulted on the statement.

4.0 Responsible Authorities

4.1 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

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

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

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

5.0 Interested Parties

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

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

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

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

- 5.3 This authority will not apply a rigid rule to its decision making and each case will be decided upon its merits. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at Paragraphs 8.11 to 8.18.
- 5.4 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.
- 5.5 The Gambling Commission has recommended that the licensing authority states that interested parties may include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they represent a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.
- 5.6 Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor/MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (eg an advocate/relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is likely to be sufficient.
- 5.7 If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not a Member of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the council's Licensing Department.

6.0 Exchange of Information

- 6.1 Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. This authority will normally share the information it holds about licensed premises with the Gambling Commission, the police and other responsible authorities.

7.0 Enforcement

- 7.1 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers in the Act to institute criminal proceedings in respect of the offences specified.

- 7.2 This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

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

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

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

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

- 7.6 This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the Regulatory functions of local authorities.
- 7.7 Bearing in mind the principle of transparency, this licensing authority's enforcement protocol is available upon request to the licensing department. Our risk based inspection is also available upon request.

8.0 Licensing Authority Functions

Local Authorities

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

- Exercise its powers of compliance and enforcement under the Act, in partnership with the Gambling Commission and other relevant responsible authorities.

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

The Gambling Commission

- 8.2 The Gambling Commission regulates gambling in the public interest. It does so by keeping crime out of gambling; by ensuring that gambling is conducted in a fair and open way; and by protecting children and vulnerable people. The Commission provides independent advice to the Government about the matter in which gambling is carried out, the effects of gambling and the regulations of gambling generally.
- 8.3 The Commission has issued guidance under Section 25 of the Act about the manner in which licensing authorities exercise their licensing functions under the Act and, in particular, the principles to be applied.
- 8.4 The Commission has also issued Codes of Practice under Section 24 about the way in which facilities for gambling is provided, which may also include provisions about the advertising of gambling facilities.
- 8.5 The Gambling Commission can be contacted at:

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Website: www.gamblingcommission.gov.uk
Email: info@gamblingcommission.gov.uk

Part B

Premises Licences

9.0 General Principles

- 9.1 Premises licences are subject to the requirements set-out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The licensing authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.
- 9.2 This licensing authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
 - in accordance with any relevant guidance issued by the Gambling Commission;
 - reasonably consistent with the licensing objectives; and
 - in accordance with the authority's statement of licensing policy.
- 9.3 This authority will not regard moral objections to gambling as a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' - see section on Casinos below) and also acknowledges that unmet demand is not a criterion for a licensing authority to consider.
- 9.4 Licence conditions are one method by which it is possible to mitigate risks associated with a particular premises. The imposition of licence conditions might be prompted by locality specific concerns, for example the proximity of gambling premises to a school.
- 9.5 Wherever possible and where there are justifiable concerns the licensing authority will have a proactive engagement with local operators to mitigate risks to the licensing objectives. Such engagement could facilitate an open and constructive partnership which, in turn would aim to improve compliance and reduce regulatory costs.
- 9.6 The Gambling Commissions Licensing Conditions and Code of Practice (LCCP) document contains two types of code provisions:
- Social responsibility code provisions: compliance with these is a condition of licences
 - Ordinary code provisions: These do not have the status of operator licence conditions but set out good practice. Operators may adopt alternative approaches to those set out in ordinary code provisions if they have actively taken account of the ordinary code provisions and can demonstrate that an alternative approach is reasonable in

the operator's particular circumstances; or that to take an alternative approach would be acting in a similar effective manner.

- 9.7 To improve the exchange of information between licensing authorities and operators, the Commission has introduced social responsibility code provisions that require operators of premises-based businesses to conduct local risk assessments (SR 10.1.1), and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances (OC 10.1.2).
- 9.8 SR 10.1.1 which will come into force on 6th April 2016 applies to non-remote licensees who hold or are applying for premise licences. The provision requires licensees to assess and have policies, procedures and control measures to mitigate local risks to the licensing objectives, taking account of the licensing authority's statement of licensing policy. It goes on to require local risk assessments to be reviewed when there are significant changes in local circumstances or at the premises, or when applying for a new licence or a variation of a licence.
- 9.9 The licensing authority when considering an application in relation to the grant or variation of the premise licence will expect to see a risk assessment that has been carried out as per the above provision and will give consideration to that risk assessment before making a decision.
- 9.10 **Definition of "premises"** – In the Act, premises is defined as including "any place". Section 152 therefore prevents more than one premises license applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 9.11 The Gambling Commission states in the latest edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

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

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gaming where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activities named on the premises licence.

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

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

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

9.13 Licensing authorities are subject to some specific constraints in exercising their functions. s.153 of the Act provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it in accordance with the principles set out in s.153(a) to (d).

Therefore a licensing authority has no discretion to grant a premises licence where that would mean taking a course which it did not think accorded with the Commission's Guidance, any relevant Commission code of practice, the licensing objectives or the licensing authority's own policy statement.

In addition, the Act makes specific reference to factors that must **not** be considered by a licensing authority in exercising its functions under s.153:

- the expected demand for facilities (s.153)(2)

- whether the application is to be permitted in accordance with law relating to planning or building (s.153)(1).

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

Casinos

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

Adult Gaming Centre

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

Tracks

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

Bingo Premises

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

Family Entertainment Centre

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

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

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

- 9.16 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.
- 9.17 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling
 - Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 9.18 Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.
- 9.19 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 9.20 **Planning** – The Gambling Commission Guidance to Local Authorities states:

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

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

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

licence does not prejudice any action that may be appropriate under law relating to planning or building.

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

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

Licensing Objectives

- 9.22 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to local authorities and some comments are made below.
- 9.23 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area should have known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. Issues of nuisance cannot be addressed via the Gambling Act provisions.
- 9.24 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Gambling Commission. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below at Paragraph 15.
- 9.25 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - This objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, whether specific

measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas etc.

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

- 9.26 As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, learning disabilities, alcohol or drugs. This licensing authority will consider this licensing objective on a case by case basis.

Conditions

- 9.27 Any conditions attached to licences will be proportionate and will be:

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

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

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

- 9.30 This authority will also ensure that where category C (for information about the different categories of machine, please see appendix 3) or above machines are on offer in premises to which children are admitted:

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;

- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
- at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

These considerations will apply to premises including buildings where multiple premises licences are applicable.

- 9.31 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance this licensing authority will consider the impact upon the objective to protect children and other vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 9.32 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated; and
 - conditions in relation to stakes, fees, winning or prizes.
- 9.33 **Door Supervisors** – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.
- 9.34 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different premises vary (as per Guidance, Part 33).
- 9.35 It should be noted that the above paragraphs relate to door supervisors only in relation to premises licences granted under the Gambling Act 2005. Where a premises licence has also been granted under the Licensing Act 2003 in relation to the same premises, there may

also be conditions on that licence which relate to door supervisors. The premises licence holder should ensure compliance with those conditions.

10.0 Adult Gaming Centres

10.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

10.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV – this should be of sufficient quality that it will be of use in evidence
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes – these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

10.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

11.0 (Licensed) Family Entertainment Centres

11.1 This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

11.2 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:

- Proof of age schemes
- CCTV – this should be of sufficient quality that it will be of use in evidence
- Supervision of entrances/machine areas
- Physical separation of areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

11.3 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.

11.4 This licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. It will normally impose conditions on granting licences which accord with the above. This licensing authority will also make itself aware of and impose any mandatory or default conditions on these premises licences.

12.0 Casinos

12.1 *No Casinos resolution* - This licensing authority has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should this licensing authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

12.2 *Casinos and competitive bidding* - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (ie the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators who will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. Should the Secretary of State's approval be given for this licensing authority to grant a premises licence for a casino, the authority would run such a competition in line with the Gambling

(Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.

- 12.3 *Licence considerations/conditions* – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission’s Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission.
- 12.4 *Betting machines* - This licensing authority will, as per the Gambling Commission’s Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

13. Bingo Premises

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

- 13.1 Licensing Authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded premises.
- 13.2 Licensed bingo premises in existence before 13th July 2011 are entitled to make available eight category B gaming machines or 20% of the total number whichever is the greatest. Any bingo premises licences granted after 13th July 2011 are entitled to make available eight category B gaming machines or 20% of the total number but only until 1st April 2014 when they will be entitled to 20% of the total number of gaming machines only.
- 13.3 This authority also notes the Guidance at para. 18.8 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate all gaming machines to which each of the licences brings an entitlement within one of the licensed premises (with none in the other one), as the gaming machine entitlement for that premises would be exceeded.
- 13.4 Children and young people are allowed into bingo premises; however they are not permitted to participate in bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.
- 13.5 Amusement arcades providing prize bingo will require a prize gaming permit from the Council.

Members' Clubs and Commercial Clubs

- 13.6 Bingo may be provided at clubs and institutes either in accordance with a permit or providing that the limits in Section 275 of the Act are complied with. These restrictions limit the aggregate stake or prizes within any seven days of £2,000, and require the Commission to be notified as soon as is reasonably practicable if that limit is breached. Stakes or prizes above that limit will require a bingo operators' licence and the corresponding personal and premises licences.

14.0 Betting Premises

- 14.1 Anyone wishing to operate a betting office will require a betting premises licence from the Council. Children and young persons will not be able to enter premises with a betting premises licence.
- 14.2 Betting premises will be able to provide a limited number of gaming machines and some betting machines.
- 14.3 *Betting machines* - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

15.0 Tracks

- 15.1 Only one premises licence can be issued for any particular premises at any time unless the premises is a 'track'. A track is a site where races or other sporting events take place.
- 15.2 Track operators are not required to hold an 'operators licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Council are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.
- 15.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 15.4 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (ie the protection of children and vulnerable

persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.

- 15.5 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 15.6 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives, however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
 - CCTV– this should be of sufficient quality that it will be of use in evidence
 - Supervision of entrances/machine areas
 - Physical separation of areas
 - Location of entry
 - Notices/signage
 - Specific opening hours
 - Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
 - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 15.7 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.
- 15.8 *Gaming machines*.- Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 15.9 *Betting machines* - Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the

proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines.

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

- 15.10 *Condition on rules being displayed* - A condition will normally be attached to track premises licences requiring the track operator to ensure that the rules relating to tracks which are contained in the Act are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 15.11 *Applications and plans* – The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (See Guidance, para 20.28).
- 15.12 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance, para 20.29).
- 15.13 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance, para 20.31)
- 15.14 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (See Guidance, para 20.32).
- 15.15 This authority appreciates it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on the track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the [plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan (See Guidance, para 20.33).

16.0 Travelling Fairs

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

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

For the purposes of this Act –

(a) “fair” means a fair consisting wholly or principally of the provision of amusements, and

(b) a fair held on a day in a calendar year is a “travelling fair” if provided-

- (i) wholly or principally by persons who travel from place to place for the purpose of providing fairs, and
- (ii) at a place no part of which has been used for the provision of a fair on more than 27 days in that calendar year.

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

17.0 Provisional Statements

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

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

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

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

17.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a

track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

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

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

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

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

18.0 Reviews

18.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities, however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below:

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

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

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

- 18.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 18.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- Add, remove or amend a licence condition imposed by the licensing authority;
 - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
 - Suspend the premises licence for a period not exceeding three months; and
 - Revoke the premises licence.
- 18.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in s153 of the Act, as well as any relevant representations.
- 18.7 In particular, the licensing authority may also initiate a review of the premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 18.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:
- The licence holder;
 - The applicant for review (if any);
 - The Gambling Commission;
 - Any person who made representations;
 - The chief officer of police or Chief Constable;
 - Her Majesty's Commissioners for Revenues and Customs.

Part C

Permits/Temporary & Occasional Use Notice

19.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

- 19.1 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (s238 of the Act).
- 19.2 The Act states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance also states "In their three year licensing policy statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits, licensing authorities will want to give weight to child protection issues" (para, 24.6).
- 19.3 Guidance also states: "... An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....Licensing authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
 - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
 - that staff are trained to have a full understanding of the maximum stakes and prizes. (para. 24.7)
- 19.4 It should be noted that a licensing authority cannot attach conditions to this type of permit.
- 19.5 This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may

include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

- 19.6 This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (Sched. 7 of the Act) and that staff are trained to have a full understanding of the maximum stakes and prizes.

20.0 (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))

- 20.1 *Automatic entitlement: up to 2 machines* - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The operator of the premises merely needs to notify the licensing authority and pay the prescribed fee. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

- 20.2 *Permit: 3 or more machines* - If the operator of alcohol licensed premises wishes to have more than 2 machines, then an application must be made for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

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

applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

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

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

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

21.0 Prize Gaming Permits - (Principles on Permits - Schedule 14 paragraph 8 (3))

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

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

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

21.3 Prize gaming may be provided in bingo premises as a consequence of their bingo operating licence. Any type of prize gaming may be provided in adult gaming centres and licensed family entertainment centres. Unlicensed family entertainment centres may offer equal chance prize gaming under a gaming machine permit. Prize gaming without a permit may be provided by travelling fairs, providing that none of the gambling facilities at the fair amount to more than an ancillary amusement. Children and young people may participate in equal chance gaming only.

21.4 In making its decision on an application for this permit the licensing authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance (Sched. 14 para. 8(3) of the Act).

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

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

22.0 Club Gaming and Club Machines Permits

- 22.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit or a Clubs Gaming Machines Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance. A Club Gaming Machine Permit will enable the premises to provide gaming machines (up to 3 machines of categories B, C or D).
- 22.2 Gambling Commission Guidance states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist, which replicates the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".
- 22.3 The Guidance also states that licensing authorities may only refuse an application on the grounds that:
- the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
 - the applicant's premises are used wholly or mainly by children and/or young persons;
 - an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
 - a permit held by the applicant has been cancelled in the previous ten years; or
 - an objection has been lodged by the Gambling Commission or the police.
- 22.4 There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003 (Sch. 12 paragraph 10). As the Gambling Commission's Guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the

police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under the process may be refused are:

- a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled".

22.5 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.

23.0 Temporary Use Notices

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

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

23.3 The Secretary of State has power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this statement the relevant regulations (The Gambling Act (Temporary Use Notices) Regulations 2007) state that temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

23.4 There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Guidance. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place". In considering whether a place falls within the definition of "a set of premises", licensing authorities will need to look at, amongst other things, the ownership/occupation and control of the premises.

23.5 This licensing authority will normally object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Guidance.

24.0 Occasional Use Notices

- 24.1 The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of eight days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

APPENDIX 1 – LIST OF CONSULTEES

All holders of gambling premises licences and permits issued by the council
All premises licensed under the Licensing Act 2003 where gaming machines are provided

All members of Lancaster City Council

All Parish councils within the Lancaster City Council area

Lancashire Constabulary ~ Lancashire Fire and Rescue Service

Lancashire Safeguarding Children Board

Lancashire County Council Children's Integrated Services

APPENDIX 2 - USEFUL ADDRESSES

Responsible Authorities

Application forms should be sent to the Licensing Manager

CONTACT DETAILS FOR LICENSING

AUTHORITY:

Licensing Manager
Lancaster City Council
Town Hall
Dalton Square
Lancaster LA1 1PJ
Tel: (01524) 582317
Email: licensing@lancaster.gov.uk

CONTACT DETAILS OF OTHER RESPONSIBLE AUTHORITIES:

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham B2 4BP
Tel: (0121) 230 6500
Fax: (0121) 237 2236
E-mail: info@gamblingcommission.gov.uk

Police Authority

The Licensing Officer
Lancaster Licensing Unit
Northern Division
Lancashire Constabulary
Thurnham Street
Lancaster LA1 1YB

Fire & Rescue Authority

Fire Safety Department
Lancaster Fire Station
Cable Street
Lancaster LA1 1HH

Health and Housing Services

Head of Health and Housing Services
Morecambe Town Hall
Morecambe LA4 5AF

Regeneration and Planning

Head of Regeneration and Planning
Town Hall
Dalton Square
Lancaster LA1 1PJ

Protection of Children

Alison Moore
Lancashire Safeguarding Children Board
Room B52
County Hall
Preston PR1 8RJ
E-mail: lsqb@cyp.LancsCC.Gov.Uk

H M Revenues and Customs

Boundary House
Cheadle Point
Cheadle
Cheshire SK8 2JZ
Tel: (0845) 010 9000

Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP
Email: info@gamblingcommission.gov.uk

(where the HSE is the enforcing authority for health & safety matters in the premises)

Other Useful Addresses

British Beer and Pub Association
Market Towers
1 Nine Elms Lane
London
SW8 5NQ

Tel: 0207 627 9191
Email: web@beerandpub.com
Web: www.beerandpub.com

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

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

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

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

Equity
Guild house
Upper Martins Lane
London
WC2H 9EG

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

Gamcare
2/3 Baden Place
Crosby Row
London SE1 1YW

Tel: 020 7378 5200
Helpline: 0845 6000 133
Email: info@gamcare.org.uk
Web: gamcare.org.uk

Gamblers Anonymous
PO Box 5382
London W1A 6SA

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

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

Web: www.moneyadvicetrust.org/home.html

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

Web: www.cccs.co.uk

APPENDIX 3 - CATEGORIES OF GAMING MACHINES

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

***With the option of a maximum £20,000 linked progressive jackpot on a premised basis**

	Machine Category						
Premises Type	A	B1	B2	B3	B4	C	D
Large casino (machine/table ration of 5-1 up to maximum)		Maximum of 150 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 150 (subject to machine/table ratio)					
Small casino (machine/table ration of 2-1 up to maximum)		Maximum of 80 machines Any combination of machines in categories B to D (except B3A machines), within the total limit of 80 (subject to machine/table ratio)					
Pre-2005 Act casinos (no machine/table ratio)		Maximum of 20 machines categories B to D (except B3A machines), or any number of C or D machines instead					
Betting premises and tracks occupied by Pool Betting			Maximum of 4 machines categories B2 to D				
Bingo Premises				Maximum of 8 machines or 20% of total machines in category B3 or B4		No limit on category C or D machines	
Adult gaming centres				Maximum of 4 machines in category B3 or B4 or 20% of total machines		No limit on category C or D machines	
Family entertainment centre (with premises licence)						No limit on category C or D machines	
Family entertainment centre (with permit)							No limit on category D machines
Clubs or miners' welfare institutes with permits					Maximum of 3 machines in categories B3A or B4 to D*		
Qualifying alcohol licensed premises						1 or 2 machines of category C or D automatic upon notification	
Qualifying alcohol licensed premises with gaming machine permit						Number of category C-D machines as specified on permit	
Travelling fair							No limit on category D machines
	A	B1	B2	B3	B4	C	D

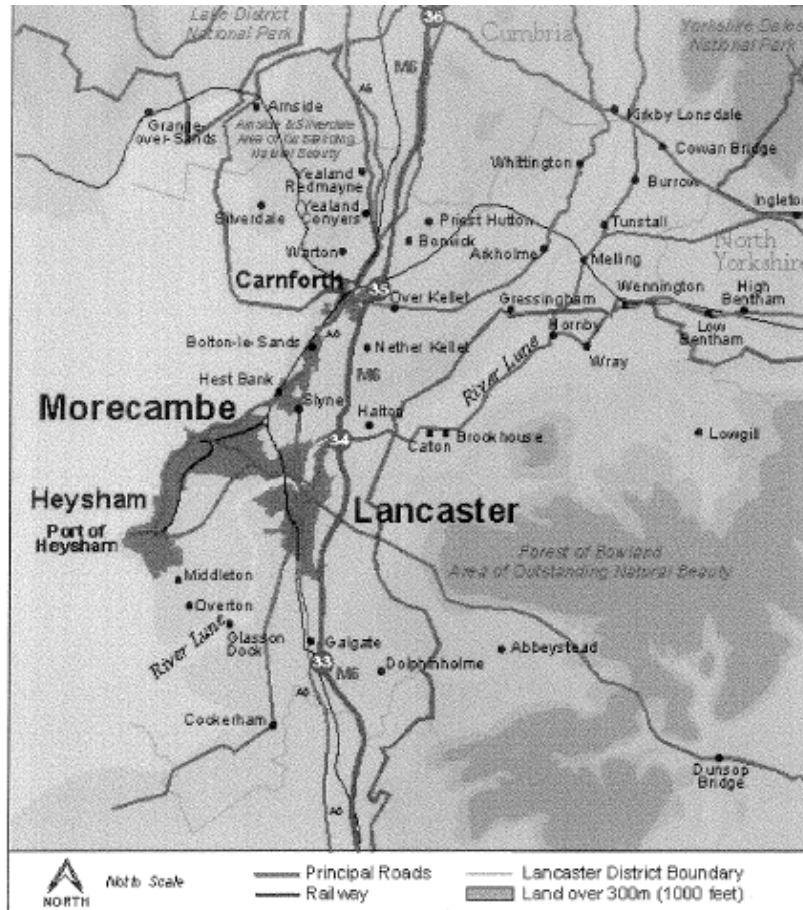
- It should be noted that members' clubs and miners' welfare institutes are entitled to site a total of three machines in categories B3A to D, but only one B3A machine can be sited as part of this entitlement. Commercial clubs are entitled to a total of three machines in categories B4 to D.

APPENDIX 4 - DELEGATION OF FUNCTIONS

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of three year licensing policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)		X	
Application for premises licences		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		X (for more than 4 machines)	X (up to 4 machines)
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X - Indicates at the lowest level to which decisions can be delegated.

APPENDIX 5 - MAP OF THE DISTRICT



See UK Location Map for information about Ordnance Survey mapping

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

August 2015

Paragraph number	Title/description	Proposed amendment	Reason
Preface page 4	Preface	<p>Inserted</p> <p>In addition, the Gambling (Licensing and Advertising) Act 2014 came into force on 1 November 2014 and amends the Act. It requires gambling operators that transact with or advertise to British consumers to obtain a licence from the Commission. The Act (as amended) has implications for remote operators and does not impact the powers or authority of licensing authorities. For further information, please refer to the <u>Commission guidance on implementing the Gambling (Licensing and Advertising) Act.</u></p>	Update in legislation
9.4, 9.5 & 9.6	Part B Premises Licences	<p>Inserted</p> <p>9.4 Licence conditions are one method by which it is possible to mitigate risks associated with a particular premises. The imposition of licence conditions might be prompted by locality specific concerns, for example the proximity of gambling premises to a school.</p>	Updated Guidance from the Gambling Commission and new Codes in relation to Social Responsibility.

<p>9.10</p>	<p>Premises</p>	<p>9.5 Wherever possible and where there are justifiable concerns the licensing authority will have a proactive engagement with local operators to mitigate risks to the licensing objectives. Such engagement could facilitate an open and constructive partnership which, in turn would aim to improve compliance and reduce regulatory costs.</p> <p>9.6 To improve the exchange of information between licensing authorities and operators, the Commission has introduced social responsibility code provisions that require operators of premises-based businesses to conduct local risk assessments (SR 10.1.1), and an ordinary code provision that says licensees should share their risk assessments with licensing authorities in certain circumstances (OC 10.1.2).</p>	
<p>9.10</p>	<p>Inserted</p>	<p>9.10 Licensing authorities are subject to some specific constraints in exercising their functions. s153 of the Act provides that licensing authorities shall aim to permit the use of premises for gambling in so far as they think it in accordance with the principles set out in s.153(a) to (d).</p> <p>Therefore a licensing authority has no discretion to grant a premises licence where that would mean taking a course which it did not think accorded</p>	<p>Clarification</p>

		with the Commissions Guidance, any relevant Commission code of practice, the licensing objectives or the licensing authority's own policy statement. In addition, the Act makes specific reference to factors that must not be considered by a licensing authority in exercising its functions under s.153:	
		<ul style="list-style-type: none"> • the expected demand for facilities (s.153)(2) • whether the application is to be permitted in accordance with law relating to planning or building (s.153)(1). 	
Appendix 1 page 37	List of Consultees	Remove the list of addresses of licensed premises consultees.	All licensed premises in the district are consulted.
Appendix 3 page 40	Categories of Gaming Machines A	Inserted No category A machines are currently permitted	Clarification
Appendix 3 page 40	Machines B1	Changed maximum stake from £2 to £5 and maximum prize from £4000 to £10000*	Change to legislation January 2014
Appendix 3 page 10	Machines B3	Changed maximum stake from £1 to £2	As above
Appendix 3 page 10	Machines B4	Changed maximum stake from £1 to £2 and maximum prize from £250 to £400	As above
Appendix 3 page 10	Machines C	Changed maximum prize to £100	As above

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Appendix 3 page 10	Categories of Gaming Machines	Added footnote in relation to Machines BI *with the option of a maximum £20000 linked progressive jackpot on a premises basis	As above