



William J Taylor BA (Hons), M Soc Sc, FIPD  
Chief Executive

52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF  
Telephone 01695 585000  
Fax 01695 585021

30 November 2009

TO: COUNCILLORS: **KAY, G M ROBERTS, AINSCOUGH, CARSON, COLLINSON, GRIFFITHS, JONES, LEA, MRS MELLING, M PENDLETON, PRATT, W G ROBERTS, SAXON, MRS STEPHENSON, SWIFFEN**

Dear Councillor,

A meeting of the **LICENSING AND GAMBLING COMMITTEE** will be held in the **COUNCIL CHAMBER , 52 DERBY STREET, ORMSKIRK, LANCASHIRE, L39 2DF** on **TUESDAY 8 DECEMBER 2009** at **7.00PM** at which your attendance is requested.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'W J Taylor', written over a horizontal line.

William J Taylor  
Chief Executive

**A G E N D A**  
**(Open to the Public)**

**1. APOLOGIES**

**2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

**3. URGENT BUSINESS, IF ANY, INTRODUCED BY THE CHAIRMAN**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

**4. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Council Secretary and Solicitor in advance of the meeting.

**Page(s) 609 to 610**

**5. DECLARATION OF PARTY WHIP**

Party Whips are not to be used in respect of decisions by this Committee and each political group on the Council shall declare whether any decision in respect of items on this Agenda have been sought or made by means of a Party Whip.

In accordance with Regulatory Committee Procedure Rule 9 Members must declare the existence of any Party Whip, and the nature of it, when considering any matter in the following categories:-

A matter which relates to a decision of the Cabinet  
The performance of any Member of the Cabinet

**6. MINUTES**

To receive as a correct record the Minutes of the meeting held on 28 July 2009.

**Page(s) 611 to 612**

**7. MINUTES OF SUB-COMMITTEES OR WORKING GROUPS**

To receive as a correct record the minutes of the meetings held on 13 July 2009; 3 August 2009; 27 August 2009, 23 September 2009; 23 November 2009

**Page(s) 613 to 624**

**8. LICENSING ACT 2003 - MINOR VARIATIONS AND DESIGNATED PREMISES SUPERVISORS IN "COMMUNITY" PREMISES**

To consider the report of the Executive Manager Community Services

**Page(s) 625 to 630**

**9. LICENSING ACT 2003 - 'YELLOW AND RED CARD' APPROACH TO REVIEWS OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

To consider the report of the Executive Manager Community Services

**Page(s) 631 to 638**

**10. GAMBLING POLICY**

To consider the report of the Executive Manager Community Services

**Page(s) 639 to End**

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off at all meetings.**

*For further information, please contact:-  
Julia Brown on 01695 585016  
or email  
[julia.brown@westlancs.gov.uk](mailto:julia.brown@westlancs.gov.uk)*



**FIRE PRECAUTIONS ACT 1971**  
**FIRE EVACUATION PROCEDURE FOR MEETINGS WHERE OFFICERS ARE PRESENT**  
**(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer present  
**FIRE MARSHAL:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **DO NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the fire marshals and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to the **WARDENCALL SECTION** in Westec House in order to ensure that a back-up call is made to the **FIRE BRIGADE**.

4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.
5. Ensure that the **FIRE MARSHAL** has reported to you on the results of his checks, i.e. that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire Brigade on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE BRIGADE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

### **CHECKLIST FOR FIRE MARSHAL**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **FIRE MARSHAL** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

### **INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

DECLARATION OF INTEREST - CHECKLIST FOR ASSISTANCE OF MEMBERS – 2007

Name: Councillor

Cabinet/Council/Committee:

Date:

Item No:

Item Title:

Nature of Interest:

**A Member with a personal interest in any business of the Council must disclose the existence and nature of that interest at commencement or when interest apparent except:**

- Where it relates to or is likely to affect a person described in 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose the existence and nature when you address the meeting on that business.
- Where it is a personal interest of the type mentioned in 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.
- Where sensitive information relating to it is not registered in the register, you must indicate that you have a personal interest, but need not disclose the sensitive information.

A Member with a prejudicial interest must withdraw, **either** immediately after making representations, answering questions or giving evidence where 4 below applies **or** when business is considered and must not exercise executive functions in relation to that business and must not seek to improperly influence a decision.

Please tick relevant boxes

Notes

	<b>General (not at overview &amp; scrutiny)</b>		Notes
1.	I have a personal interest* but it is not prejudicial.	<input type="checkbox"/>	<i>You may speak and vote</i>
2.	I have a personal interest* but do <u>not</u> have a prejudicial interest in the business as it relates to the functions of my Council in respect of:		
(i)	Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.	<input type="checkbox"/>	<i>You may speak and vote</i>
(ii)	school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iii)	Statutory sick pay where I am in receipt or entitled to receipt of such pay.	<input type="checkbox"/>	<i>You may speak and vote</i>
(iv)	An allowance, payment or indemnity given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(v)	Any ceremonial honour given to Members	<input type="checkbox"/>	<i>You may speak and vote</i>
(vi)	Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a personal interest* and it is prejudicial <b>because</b> it affects my financial position or the financial position of a person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest <b>or</b> it relates to the determining of any approval consent, licence, permission or registration in relation to me or any person or body described in 8 overleaf <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 4 or 5 below</i>

4.	I have a personal and prejudicial interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>
5.	A Standards Committee dispensation applies.	<input type="checkbox"/>	<i>See the terms of the dispensation</i>

\* **“Personal Interest”** in the business of the Council means either it relates to or is likely to affect:

- 8(1)(a)(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) any body -
- (aa) exercising functions of a public nature;
  - (bb) directed to charitable purposes; or
  - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
- of which you are a member or in a position of general control or management;
- (iii) any employment or business carried on by you;
- (iv) any person or body who employs or has appointed you;
- (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
- (vi) any person or body who has a place of business or land in your authority’s area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
- (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
- (ix) any land in your authority’s area in which you have a beneficial interest;
- (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
- (xi) any land in the authority’s area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer.

**or**

A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**“a relevant person”** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 8(1)(a)(i) or (ii).

**“body exercising functions of a public nature”** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

NB Section 21(13)(b) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.



## LICENSING & GAMBLING COMMITTEE

**HELD:** 28 JULY 2009  
**Start:** 7.00 p.m.  
**Finish:** 7.05 p.m.

**PRESENT:** Councillor Kay (Chairman)  
Councillor G.M. Roberts (Vice Chairman)

Councillors: Ainscough Ms. Melling  
Carson Saxon  
Collinson Mrs. Stephenson  
Jones Swiffen  
McKay

Officers: Public Protection and Licensing Manager ( Mr. P. Charlson)  
Senior Licensing Officer (Ms. M. Murray)  
Principal Solicitor (Mr. L. Gardner)  
Member Services Officer (Mrs. J.A. Jones)

In attendance: Councillor Cropper

### 1.. APOLOGIES

Apologies for absence were received from Councillor Griffiths.

### 2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 4, the Committee noted the termination of membership of Councillor M. Pendleton and the appointment of Councillor McKay for this meeting only, thereby giving effect to the wishes of the political groups.

### 3. URGENT BUSINESS

There were no items of urgent business.

### 4. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 5. DECLARATION OF PARTY WHIP

There were no declarations of Party Whip.

**6. MINUTES OF SUB COMMITTEES**

The Minutes of the Licensing Sub-Committees held on 26 November 2007, 21 December 2007, 18 January 2008, 25 January 2008, 7 March 2008, 9 April 2008, 15 July 2008, 15 December 2008, 27 March 2009, 20 April 2009 and 11 May 2009 were submitted

RESOLVED: That all the above minutes be noted.

**7. APPROVAL OF REVISED DRAFT STATEMENT OF LICENSING POLICY UNDER THE GAMBLING ACT 2005.**

Consideration was given to the report of the Executive Manager Community Services as contained on pages 29 to 78 of the Book of Reports which requested that the necessary action be taken in order to consult upon the revised draft Statement of Licensing Policy as required by the Gambling Act 2005 (the Act).

During the discussion on this item Members brought to the attention of Officers that Appendix 3 attached to the draft statement would need to be updated before public consultation took place on the Licensing Policy as some of the consultees on the list were no longer applicable.

RESOLVED: That the draft Statement of Licensing Policy be approved.

**8. INTERNAL OVERVIEW AND SCRUTINY COMMITTEE: ALCOHOL AND ASSOCIATED PROBLEMS REVIEW**

Consideration was given to the report of the Executive Manager Community Services as contained on pages 79 to 81 of the Book of Reports the purpose of which was to advise Members of the recommendations arising from a review of alcohol and its associated problems by the Council's Internal Overview and Scrutiny Committee.

RESOLVED: That the contents of the report be noted.

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- CHAIRMAN -

**LICENSING SUB-COMMITTEE**

**HELD:13 JULY 2009**

Start:10.30am

Finish: 11.10am

**PRESENT:** Councillor Kay (Chairman)

Councillors: Jones  
Mrs. Stephenson

Officers: Principal Solicitor  
Senior Licensing Officer  
Member Services Officer

Mr. L Gardner  
Mrs M. Murray  
Mrs J. Brown

**40. APOLOGIES**

There were no apologies for absence received.

**41. MEMBERSHIP OF THE COMMITTEE**

There were no changes to Membership of the Committee.

**42. URGENT BUSINESS**

There were no items of urgent business.

**43. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**44. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**45. LICENSING COMMITTEE 2003 - HEARING PROCEDURE**

The Chairman referred to the above procedure.

**46. MINUTES OF LICENSING SUB - COMMITTEE**

RESOLVED: That the Minutes of the meeting held 11 May 2009 be received as a correct record and signed by the Chairman.

**47. NEW APPLICATION FOR PREMISES LICENCE IN RESPECT OF 3G ALL WEATHER FOOTBALL LTD, 140 STATION ROAD, HESKETH BANK.**

Consideration was given to the report of the Executive Manager Community Services as contained on pages 35 to 61 of the Book of Reports in relation to the above application for a new premises licence.

The Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objectives under the Licensing Act on this occasion were the prevention of public nuisance.

The Sub-Committee took into consideration the representations received from members of the public, the Applicant and also the Applicants solicitor.

Having taken all the representations into consideration the Sub-Committee decided:

- RESOLVED: A. That the Application be approved as requested by the Applicant save for the following amendments: -
- B. That all licensable activities shall cease at 00.30 hours Monday – Saturday and 00.00 hours on Sunday.
  - C. That the premises shall be open to the public 09.00 hours – 01.00 hours Monday to Saturday and 09.00 hours – 00.30 hours Sunday.
  - D. That noise from music, regulated entertainment and associated sources (including DJ's and amplified voices) shall not be audible at the external boundary of any neighbouring residential premises at any time.
  - E. That there shall be notices placed at all exits from the premises in a place where they can easily be seen and read by the public, requiring customers to leave the premises and the area quietly.
  - F. That the placing of refuse, such as bottles, into receptacles outside the premises shall take place between 08.00 hours and 22.00 hours, so as to prevent disturbance to nearby premises.
  - G. That no children under 16 to be allowed in the bar unaccompanied after 21.00 hours.
  - H. That CCTV is installed both inside and outside covering the licensed patio area and front door. This must be a 31-day hard drive recording system.
  - I. That no alcoholic drinks or glass containers be taken on to the pitches.
  - J. That music must be turned down to a background level after 00.30 hours.
  - K. That the premises must not be used to celebrate 18<sup>th</sup> birthday parties or used as a nightclub at any time.
  - L. That if any planned functions are likely to run after midnight, the Police Licensing Unit and West Lancashire Borough Council Licensing Department must be informed within at least 14 days notice prior to the event.

M. That the licensable activities for New Years Eve shall cease at 02.00 hours, and that the premises be open to 02.30 hours.

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-CHAIRMAN-



**LICENSING SUB-COMMITTEE**

**HELD: 3 AUGUST 2009**  
Start: 10.30 a.m.  
Finish: 11.25 p.m.

**PRESENT:**

Councillors: Kay  
Ainscough  
M. Pendleton

Officers: Principal Solicitor (Mr. L. Gardner)  
Licensing Officer (Miss. S. Mullen)  
Member Services Officer (Mrs. J.A. Jones)

**48. APOLOGIES**

There were no apologies for absence received.

**49. MEMBERSHIP OF THE COMMITTEE**

There were no changes to the Membership of the Committee.

**50. URGENT BUSINESS**

There were no items of urgent business.

**51. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**52. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**53. MINUTES OF LICENSING SUB COMMITTEE**

RESOLVED: That the Minutes of the meeting held on the 13 July 2009 be received as a correct record and signed by the Chairman.

**54. LICENSING COMMITTEE 2003 - HEARING PROCEDURE**

The Chairman referred to the above procedure.

**55. APPLICATION TO VARY A CLUB PREMISES CERTIFICATE IN RESPECT OF ORMSKIRK CRICKET CLUB, ALTYS LANE, ORMSKIRK**

Consideration was given to the report of the Executive Manager Community Services as contained on pages 371 to 407 of the Book of Reports in relation to the above for the variation of the Club Premises Certificate.

The Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objectives under the Licensing Act on this occasion were the prevention of public nuisance.

The Sub-Committee took into consideration the representations made from the Applicants and took into account the objections received from members of the public.

Having taken all the representations into consideration the Sub-Committee decided:

- RESOLVED:
- (A) That the serving of alcohol for members of the Club be from 10.00 hours until 00.00 hours.
  - (B) That the premises be open to members of the Club be from 08.00 hours to 00.30 hours.
  - (C) That regulated entertainment for members of the Club be from 10.00 hours to 00.00 hours.
  - (D) That the serving of alcohol and regulated entertainment on New Year's Eve be from 10.00 hours until 02.00 hours and that the premises be open to members of the Club until 03.00 hours.
  - (E) That the use of any outdoor area for consumption of alcohol be prohibited after 23.00 hours.
  - (F) That step 5 in the operating schedule relating to Prevention of Public Nuisance be deleted and replaced with the following – Noise from regulated entertainment shall not be audible inside any nearby residential property.

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- CHAIRMAN -



**LICENSING SUB-COMMITTEE**

**HELD: 27 AUGUST 2009**  
Start: 10.30 a.m.  
Finish: 1.55 p.m.

**PRESENT:**

Councillors: Kay (Chairman)  
Carson  
Ms. Melling

Officers: Senior Licensing Officer (Mr. P. Suffolk)  
Principal Solicitor (Mr. L. Gardner)  
Member Services Officer (Mrs. J.A. Jones)

**56. APOLOGIES**

There were no apologies for absence received.

**57. MEMBERSHIP OF THE COMMITTEE**

There were no changes to the membership of the Committee.

**58. URGENT BUSINESS**

There were no items of urgent business.

**59. DECLARATIONS OF INTEREST**

Councillor Carson declared a personal interest in the application, stating that one of the objectors was a former Councillor working alongside her in Moorside Ward when he was a member of West Lancashire District Council, but she did not consider the interest to be prejudicial.

**60. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**61. MINUTES OF LICENSING SUB-COMMITTEE**

RESOLVED: That the Minutes of the meeting held on the 3 August 2009 be received as a correct record and signed by the Chairman.

**62. LICENSING HEARING PROCEDURE**

The Chairman referred to the above procedure.

**63. APPLICATION FOR A NEW PREMISES LICENCE - THE PAVILION, 39 MOOR STREET, ORMSKIRK**

Consideration was given to the report of the Executive Manager Community Services as contained on pages 415 to 466 of the Book of Reports in relation to the above for a new premises licence for The Pavilion, 39 Moor Street, Ormskirk,

The Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Act. It considered that the relevant objectives under the Licensing Act on this occasion were the prevention of public nuisance and anti social behaviour issues.

Due consideration was also given to all aspects the objectors had made in relation to crime and disorder and noise nuisance issues.

Having taken all the representations into consideration the Sub-Committee decided:-

RESOLVED: That the application be granted in full except for the following amendments :-

- (A) That the premises be open for the sale of alcohol from 10.00am to 02.00am except on market days when the sale of alcohol will be permitted from 7.00 a.m.
- (B) That the use of the outside tabled area be restricted from 7am until 10.00pm daily.
- (C) That entrance to the premises be denied to any new customers after 1.00 a.m. to avoid migration problems from other premises.
- (D) That the reduction of the volume and tempo of music shall be reduced for one hour prior to the premises closing.
- (E) That for the period from 8.00 p.m. daily there will be a minimum of two Personal Licence Holders in the premises, one of which could be the Designated Premises Supervisor.

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- CHAIRMAN -

**PRESENT:**

Councillors: Kay (Chairman)  
Carson  
Mrs Stephenson

Officers: Senior Licensing Officer (Mr P. Suffolk)  
Principal Solicitor (Mr L. Gardner)  
Member Services Officer (Mrs. J. Brown)

**64. APOLOGIES**

There were no apologies for absence received.

**65. MEMBERSHIP OF THE COMMITTEE**

There were no changes to Membership of the Committee.

**66. URGENT BUSINESS**

There were no items of urgent business.

**67. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**68. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**69. MINUTES OF THE LICENSING SUB COMMITTEE**

RESOLVED: That the Minutes of the meeting held 27 August 2009 be received as a correct record and signed by the Chairman.

**70. LICENSING COMMITTEE 2003 - HEARING REVIEW PROCEDURE**

The Chairman referred to the above procedure.

**71. APPLICATION TO VARY PREMISES LICENCE IN RESPECT OF STOCKS TAVERN,  
16 ALDER LANE, PARBOLD**

Consideration was given to the report of the Executive Manager Community Services as contained on pages 473 to 509 of the Book of Reports in relation to the above application to vary the premises licence in respect of Stocks Tavern, 16 Alder Lane, Parbold.

The Sub – Committee had regard to its Licensing Policy and to the Guidance issued under S. 182 of the Act. It considered that the relevant objectives under the Licensing Act on this occasion were the prevention of public nuisance.

Having taken all the representations from members of the public into consideration the Sub- Committee decided:-

- RESOLVED:
- A. That live music be permitted between the hours of 18.00 and 23.30 Friday and Saturday.
  - B. That two events per calendar month be permitted and that the Licensing Department be notified 14 days prior to the event. The events shall not be held on consecutive evenings.
  - C. That the live music be restricted to sole performers or small groups, no more than five.
  - D. That the noise from live entertainment shall not be audible at the boundary of neighbouring premises.
  - E. That a log of complaints from members of the public and actions taken will be kept by the DPS on the evenings of live entertainment and that it will be made available for inspection by the Police or an Officer of the Council.
  - F. That the Applicant make available a telephone number to the residents for contact purposes.

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-CHAIRMAN-

**LICENSING SUB-COMMITTEE**

**HELD: 23 NOVEMBER 2009**  
Start: 10.30 a.m.  
Finish: 12.35 p.m.

**PRESENT:**

Councillors: Kay (Chairman)  
Jones  
Ms. Melling

Officers: Licensing Officer (Miss. S. Mullen)  
Principal Solicitor (Mr. L. Gardner)  
Member Services Officer (Mrs. J.A. Jones)

**72. APOLOGIES**

There were no apologies for absence received.

**73. MEMBERSHIP OF THE SUB- COMMITTEE**

There were no changes to the membership of the Committee.

**74. URGENT BUSINESS**

There were no items of urgent business.

**75. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**76. DECLARATION OF PARTY WHIP**

There were no declarations of Party Whip.

**77. MINUTES OF LICENSING SUB-COMMITTEE**

RESOLVED: That the Minutes of the meeting held 23 September 2009 be received as a correct record and signed by the Chairman.

**78. LICENSING COMMITTEE 2003 - HEARING PROCEDURE**

The Chairman referred to the above procedure.

**79. APPLICATION TO VARY A PREMISES LICENCE IN RESPECT OF DAY AND NIGHT,  
34 BURSCOUGH STREET, ORMSKIRK**

Consideration was given to the report of the Executive Manager Community Services as contained on pages 559 to 607 of the Book of Reports in relation to the above application to vary the premises licence in respect of day and Night, 33 Burscough Street, Ormskirk.

The Sub-Committee had regard to its Licensing Policy and to the Guidance issued under S.182 of the Licensing Act. It considered that the relevant objectives under the Licensing Act on this occasion were the prevention of crime and disorder, public safety and the public nuisance licensing objectives.

Having taken all the representations from Lancashire Constabulary, Environmental Protection and members of the public into consideration the Sub-Committee decided:-

RESOLVED: (A) That the premises be open to the public from

Monday – Thursday and Sunday	08.30am to Midnight
Friday and Saturday	08.30am to 01.30am

(B) That the sale of alcohol be permitted from

Monday – Thursday and Sunday	10.00am to Midnight
Friday and Saturday	10.00am to 01.30am

(C) That live music and recorded music be permitted from

Monday – Thursday and Sunday	08.30am to Midnight
Friday and Saturday	08.30am to 01.30am

(D) That entrance to the premises be denied to any new customers after 1.00am to avoid migration problems from other premises.

(E) That for the period from 8.00pm daily there will be one personal licence holder on the premises at all times.

.....  
- CHAIRMAN -



**AGENDA ITEM: 8.**

**LICENSING & GAMBLING  
COMMITTEE: 8 DECEMBER 2009**

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**Report of: Council Executive Manager Community Services**

**Relevant Portfolio Holder: Councillor A Fowler**

**Contact for further information: Mr P Charlson (Extn. 5246)  
(E-mail: paul.charlson@westlancs.gov.uk)**

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**SUBJECT: LICENSING ACT 2003 – MINOR VARIATIONS AND DESIGNATED PREMISES SUPERVISORS IN “COMMUNITY” PREMISES**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

- 1.1 To advise Members of changes to the regime under the Licensing Act 2003 (the Act) with regard to:
- “Minor variations” to premises licences and club premises certificates
  - The removal of the requirement for a Designated Premises Supervisor and personal licences at “community” premises.

**2.0 RECOMMENDATIONS TO COMMITTEE**

- 2.1 That the delegations to the Executive Manager Community Services be amended as follows:

- “2) To determine applications under the Licensing Act 2003 as follows:
- A) Applications for Personal Licence - If no Police representation(s) have been made.
  - B) Application for Premises Licence/Club Premises Certificate – If no relevant representation(s) have been made.
  - C) Application for Provisional Statement – If no relevant representation(s) have been made.
  - D) Application to vary Premises Licence/Club Premises Certificate – If no relevant representation(s) have been made except where (K) applies.
  - E) Application to vary Designated Premises Supervisor – If no relevant representation(s) have been made.
  - F) Request to be removed as Designated Premises Supervisor – All cases.
  - G) Application for transfer of premises Licence – If no Police representation(s) have been made.

- H) Application for Interim Authority – If no Police representation(s) have been made.
- I) Decision on whether a complaint is irrelevant, frivolous, vexatious etc – All cases.
- J) Application from a Community Premises to remove the requirement for Designated Premises Supervisor – If no Police representation(s) have been made.
- K) Application for minor variation to Premises Licence / Club Premises Certificate – All cases.”

2.2 That the delegations to the Licensing Sub Committee be amended as follows:

“1) To determine applications under the Licensing Act 2003 as follows:

- A) Applications for Personal Licence - If Police representations have been made.
- B) Applications for Personal Licence, with unspent convictions – All cases.
- C) Application for Premises Licence/Club Premises Certificate – If relevant representation(s) have been made.
- D) Application for Provisional Statement – If relevant representation(s) have been made.
- E) Application to vary Premises Licence/Club Premises Certificate – If relevant representation(s) have been made.
- F) Application to vary Designated Premises Supervisor – If Police representation(s) have been made.
- H) Application for transfer of premises Licence – If Police representation(s) have been made.
- I) Application for Interim Authority – If Police representation(s) have been made.
- J) Application to review Premises Licence/Club Premises Certificate – All cases.
- K) Decision to object when the local authority is a consultee and not the relevant authority considering the application – All cases.
- L) Termination of a police objection to a Temporary Event Notice – All cases.
- K) Application from a Community Premises to remove the requirement for Designated Premises Supervisor – If Police representation(s) have been made.”

### **3.0 BACKGROUND**

- 3.1 Members will be aware that other than to change the name or address of someone named in a premises licence or to specify a new individual as the Designated Premises Supervisor (DPS), a full variation under Section 34 of the Act is the only means for a premises licence/club premises certificate holder to change any aspect of the permission.
- 3.2 Section 19 of the Act also stipulates mandatory conditions for all premises licensed for the sale of alcohol to have a DPS and for all sales of alcohol to be made or authorised by a person who holds a personal licence.



## **4.0 CURRENT POSITION**

- 4.1 The Government considers the legislative controls in paragraphs 3.1 and 3.2 as too restrictive for premises licence/club premises certificate holders and Licensing Authorities alike. Accordingly, new procedures have been established which aim to streamline the variation process with regard to “minor” changes and also to remove the requirement for a DPS at “community” premises.
- 4.2 Whilst applications will be considered on a case by case basis to determine whether the proposed change is “minor”, it is envisaged that four main types of minor variation application will be used:
- Minor changes to the structure or layout of premises
  - Small adjustments to licensing hours
  - Removal of out of date irrelevant or unenforceable conditions
  - Adding certain licensable activities, including live music
- 4.3 “Community” premises will include church halls and chapels as well as community and village halls. Where it is not clear whether premises are “community” premises, the matter will be approached on a case by case basis, with the main consideration being how the premises are predominantly used. Premises such as schools and other private halls available for private hire may not be considered community premises, but the extent to which such premises are providing a facility for the community rather than members of the community for private purposes must be considered. The test is directed at the nature of the premises themselves, as reflected in their predominant use.

## **5.0 ISSUES**

### *Minor variations*

- 5.1 Applications must be made to the Council on prescribed forms, accompanied by a fee of £89 per application. There are no exemptions to this fee (i.e. an otherwise exempt school still has to pay the £89 fee) and annual fees remain unaffected.
- 5.2 The application must be advertised on an A4 white notice at the premises which contains basic details including a brief description of the proposed variation. This notice must be displayed at the same time the application is made to the Council, but there is no requirement for the applicant to advertise the application in the local press and there are no Hearings under the minor variation process.
- 5.3 The application must be processed and determined within 15 working days of the initial day (i.e. the first working day after the day the Council receives the application). If the application is not determined within 15 working days, the application is deemed refused, and the fee must be returned to the applicant.
- 5.4 There is no requirement for applicants to notify responsible authorities of their application. Instead, responsible authorities are only involved at the request of the Council’s Licensing Officers where they consider that the variation could adversely impact upon any of the licensing objectives and require specialist

advice in reaching a decision. Interested parties may still make representations based on the licensing objectives, but representations do not trigger a Hearing. Nevertheless, Licensing Officers must take any representations into account in making a decision.

- 5.5 The first 10 working days following receipt of the application constitute a consultation period during which Interested Parties may make representations to the Council. Licensing Officers can also consider the application and consult relevant responsible authorities during this time. A determination cannot be made during the 10 working day period, therefore leaving the remaining 5 working days to determine the application.
- 5.6 When determining minor variation applications, the key test is whether the proposed variation could impact adversely on any of the four licensing objectives. Licensing Officers have no power to impose conditions; only conditions volunteered by the applicant can be added to the licence under the minor variations procedure. The determination is therefore either to grant or to refuse the application.
- 5.7 Where applications are granted, the applicant must be notified accordingly. However, if the application is refused, the applicant must be notified and provided with the reasons for refusal. Applications that have been rejected can then be the subject of a full variation application or of a revised minor variation application. A minor variation refusal does not affect any subsequent variation application in respect of the same premises.

#### *DPS in “community” premises*

- 5.8 Community premises can apply to have the mandatory conditions under Section 19 of the Act removed from their premises licence. This change will enable community premises to operate without a DPS and for sales of alcohol to be made on such premises without the authorisation of a personal licence holder. It must be noted that the premises must apply for this permission and is not automatically entitled and no other conditions can be removed from the premises licence under this process. A copy of the application must also be provided to Lancashire Constabulary.
- 5.9 The request can be made either as part of a new premises licence application or by existing premises licence holders who must pay a prescribed fee of £23. A variation of a licence to exclude the DPS requirement altogether (or reinstate it) must always follow the 28 day variation timescale.
- 5.10 Only the management committee of the premises can apply under this procedure. The application form requires applicants to set out how the premises is managed, its committee structure (including the names of committee members) and how the supervision of alcohol sales is to be ensured in different situations, as well as how responsibility for this is to be determined in individual cases and reviewed within the committee procedure in the event of any issues arising.
- 5.11 Licensing Officers must be satisfied that arrangements for the management of the premises by the committee or board are sufficient to ensure the adequate supervision of the supply of alcohol on the premises. Where arrangements are

not clear, Officers can ask for further details to confirm that the management committee/board is properly constituted and accountable before taking a decision on whether to grant the application.

- 5.12 The management board or committee will remain the premises licence holder and will be collectively responsible for ensuring compliance with licence conditions and the law.
- 5.13 In exceptional circumstances the Chief Officer of Lancashire Constabulary can object to such a request on the grounds of crime and disorder, issuing a notice seeking the refusal of the application to include the new mandatory condition. The Council must then hold a Hearing in order to reach a decision on whether to grant the application, the decision of which can be appealed by either party. Other responsible authorities do not have the right to issue a notice seeking refusal, but can seek reinstatement of the mandatory conditions through a review of the licence.

## **6.0 PROPOSALS**

- 6.1 That the Delegations to the Executive Manager for Community Services and the Licensing Sub Committee be amended as per the recommendations contained in this report. The proposed changes to the delegations are to reflect the legislative changes highlighted in this report as well as review the existing delegations in the light of these changes.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Licensing Objectives, therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D); Health and Social Care (issue A); Culture, Leisure and Sport (issue B).

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 It is anticipated that the changes outlined in this report will be met from within existing resources.

## **9.0 RISK ASSESSMENT**

- 9.1 The Council, acting as Licensing authority, has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. If the Council fails to enact the issues highlighted in this report it would risk legal action from both Government and/or private enterprise.

## **10.0 CONCLUSIONS**

- 10.1 The Government has made these changes to streamline the variation process with regard to minor changes and also to remove the often onerous requirement for a DPS at “community” premises. The recommendations contained in this report are necessary to ensure that the Council can properly determine the requirements of these legislative changes.
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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

None



**AGENDA ITEM: 9.**

**LICENSING & GAMBLING  
COMMITTEE: 8 DECEMBER 2009**

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**Report of: Council Executive Manager Community Services**

**Relevant Portfolio Holder: Councillor A Fowler**

**Contact for further information: Mr P Charlson (Extn. 5246)  
(E-mail: paul.charlson@westlancs.gov.uk)**

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**SUBJECT: LICENSING ACT 2003 – ‘YELLOW AND RED CARD’ APPROACH TO  
REVIEWS OF PREMISES LICENCES AND CLUB PREMISES CERTIFICATES**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To seek approval of a ‘yellow and red card’ approach to reviews of premises licences and club premises certificates heard under the Licensing Act 2003 (the Act).

**2.0 RECOMMENDATIONS TO COMMITTEE**

2.1 That the Committee approve the use of a ‘yellow and red card’ approach to reviews of premises licences and club premises certificates heard under the Licensing Act 2003.

2.2 If the Committee approve the recommendation at paragraph 2.1, that the Committee approve that the Council’s Statement of Licensing Policy be amended to reflect the use of a ‘yellow and red card’ approach to reviews of premises licences and club premises certificates heard under the Licensing Act 2003.

2.3 If the Committee approve the recommendation at paragraph 2.1, that the Council’s pool of standard conditions be amended to include the conditions contained in appendix 1 attached to this report.

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**3.0 BACKGROUND**

- 3.1 Members will recall that the Department of Culture, Media and Sport (DCMS) had previously advocated the use of a 'yellow and red card' approach to reviews of premises licences and club premises certificates (CPC) heard under the Act, but that the available guidance at that time was limited.
- 3.2 The DCMS has again written to the Council with additional information to support the use of the extensive powers available under the Act. In particular, the DCMS has observed that there appeared to be some reluctance among responsible authorities to review premises licences/CPC and seek revocations without very strong evidence.
- 3.3 The DCMS advocates the use of 'yellow and red cards' as a tough approach to be taken by Licensing Committees where it is found that the premises are failing to promote one or more of the licensing objectives. At the same time, the approach provides the premises licence/CPC holder an opportunity to reform, as a 'yellow card' would involve the imposition of tough new conditions (if proportionate to the identified problems) together with the warning that if a further review is necessary and matters are found to have not improved, the premises licence/CPC would be revoked – a 'red card'.

#### **4.0 CURRENT POSITION**

- 4.1 When required to determine reviews of premises licences/CPC in the past, the action taken by the Sub Committee has always been proportionate to the problems identified. However, the use of this proposed approach would further emphasise the punitive nature of the review process by sending a clear message to premises licence/CPC holders, and the public, that action will be taken against those who act contrary to the licensing objectives and the law.
- 4.2 Members will be more than aware that the revocation of a premises licence can often effectively kill the business, particularly if it is focused on retailing alcohol. This means that not only does the business suffer, but most people working there will lose their livelihoods, many of whom would be entirely innocent of any wrongdoing. There is also an impact on those who indirectly rely on income from the premises, such as food suppliers and cleaning contractors. Furthermore, the closure of a premises could deprive some sections of the community of their local shop and/or restrict local consumer choice. Responsible authorities, as well as Members, are well aware of this impact, which in turn can lead to a reticence to revoke a licence instantly for any failure to promote the licensing objectives.
- 4.3 Accordingly, responsible authorities have preferred to negotiate additional voluntary conditions with problem premises against the threat of review as an immediate, pragmatic and less bureaucratic solution. Whilst this may be a reasonable approach, this can lead to the risk that some premises may not be dealt with as firmly as necessary. Such voluntary agreements are not visible to the public, lessening the deterrent effect on other premises.

#### **5.0 ISSUES**

- 5.1 The DCMS supports, and wants to encourage, the Police, Trading Standards and Environmental Health Officers to seek more reviews in the knowledge of the 'yellow and red card' system.
- 5.2 *First intervention*  
Through the Council's Multi Agency Licensing Team (MALT) responsible authorities will be encouraged to propose tougher suggested conditions which are designed to combat the identified problem. However, any specific condition(s) applied by Members would need to be tailored to the nature of the problem and the type of premises. The DCMS has suggested several conditions that could be used in conjunction with this approach which are attached at Appendix 1. (If this approach is approved the conditions will be incorporated into the Council's pool of standard conditions).
- 5.3 Such action could be supplemented by:
- Removal of designated premises supervisor
  - Suspension of the licence for between 1 day and 3 months
  - Restriction of trading hours and/or licensable activities
  - A clear warning that a further appearance before the Committee will give rise to a presumption of revocation.
- 5.4 The aim therefore is to effectively put the premises on probation and is thereby given a 'yellow card'. The premises are put on notice that the next offence and/or breach would mean an automatic second intervention – a 'red card'.
- 5.5 This approach does not necessarily mean the physical use of 'cards', however the DCMS believe that any 'yellow card' should be highly visible in the community. Therefore, as part of the Committee's decision on first review, it should consider the imposition of a licence condition requiring the premises to display a visible notice at the premises detailing the outcome of that review and the warning it has been given.
- 5.6 *Second intervention*  
In the absence of improvement, responsible authorities should seek another review. Therefore, if the Committee is satisfied that there has been a lack of improvement, the Committee should look to revoke the licence. This action could then be publicised as a deterrent to other premises.
- 5.7 *Licensing Policy changes*  
If the Committee approves the 'yellow and red card' approach, the Council's Licensing Policy would have to be amended to reflect this change. This would require the submission of the amended Policy to this Committee, as well as full Council, for approval and authorisation to conduct a 12 week period of public consultation. Following consultation, the Policy would return to this Committee and full Council for final approval and implementation.
- 6.0 PROPOSALS**
- 6.1 That the Committee approve the recommendations contained in this report.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

7.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Licensing Objectives, therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D); Health and Social Care (issue A); Culture, Leisure and Sport (issue B).

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

8.1 It is anticipated that the changes outlined in this report will be met from within existing resources.

## **9.0 RISK ASSESSMENT**

9.1 The Council has a legal duty to carry out the functions of the Act and therefore failure to do so is a breach under the Act. However, this approach is recommended as good practice by Government and is not mandatory. A decision not to implement this approach would not result in any direct action being taken against the Council, but could lead to significant criticism as the Council has the opportunity to further develop its measured and consistent approach to reviews, whilst increasing the deterrent effect on other licensed premises.

## **10.0 CONCLUSIONS**

10.1 This approach builds upon the Council's current robust, yet proportionate, regime toward the review of premises licences and CPC. The 'yellow and red card' regime would reaffirm the importance of the licensing objectives and help responsible authorities seek more frequent reviews as a result of any breaches. At the same time, it provides licence holders an opportunity to reform, whilst acting as an open deterrent to other premises.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**



Appendix 1 – DCMS suggested conditions to be used in conjunction with a ‘yellow and red card’ approach

## **Appendix 1**

### **DCMS suggested conditions to be used in conjunction with a 'yellow and red card' approach**

#### ***Greater control over sale***

- 1 To provide designated checkout(s) for alcohol sales.  
[Need to consider the impact on protection of children from harm, but also impact on sales and goodwill (probably loss of trade to competitors.)]
- 2 Personal licence holder/DPS to be on site at all times during sales of alcohol.  
[Need to consider impact on protection of children from harm and new costs if additional staff have to qualify as a personal licence holder.]
- 3 Personal licence holder/DPS to supervise and authorise every individual sale of alcohol.  
[Need to consider impact on protection of children from harm and new costs if additional staff have to qualify as a personal licence holder.]
- 4 SIA registered security staff to be present at points of sale to support staff during refusing sales to under persons 18s and those believed to be drunk.
- 5 Alcohol sales only to be made by person aged not less than 25 years.  
[Need to consider the impact on protection of children from harm, but also impact on sales and goodwill (probably loss of trade to competitors.)]
- 6 CCTV to be installed at points of sale and suitably recorded to an evidential standard. Recordings to be made available to authorised officers to determine sales to minors and drunks.

#### ***Training***

- 1 All staff to read and sign a declaration that they understand the law every time they start a shift.
- 2 Train all staff engaged in selling alcohol on alcohol awareness. All new staff to be trained within two weeks of commencing employment. Evidence of training to be retained in writing and be made available authorised officers.

#### ***Alcohol banned during certain hours and/or certain days***

- 1 No alcohol sales Monday – Friday between 4pm and 8:30pm.  
[Need to consider impact of protection of children from harm and/or target the hours to reflect the times when local intelligence indicate under 18s may be purchasing alcohol).

#### ***Alcohol displays***

- 1 No displays of alcohol or advertising of alcohol promotions that can be seen from outside the premises.

- 2 No alcohol stocks promoted alongside goods likely to appeal to children (for example, confectionary, toys etc.)

### ***Control of shop lifting***

- 1 SIA registered security staff to be present at alcohol aisles during opening times to prevent attempted under age sales or theft.
- 2 Location of alcohol stocks/displays not to be sited near the entrance/exit of the premises
- 3 No direct public access to alcohol products.

### ***Naming and shaming***

- 1 Where premises has been issued a 'yellow card', to display an external sign in a prominent position on the premises that clearly and legible states which of the licensing objectives have been breached and what action has been taken against them.

### ***Others***

- 1 Maintain a log of all attempted purchases from those who appear to be under 18 or drunk.
- 2 To provide an adhesive label to all alcohol products to clearly show the details of the shop from which it was purchased.
- 3 Not to sell [name of designated item] to any person.
- 4 Not to sell [name of designated item] in quantities of more than [name quantity].





**AGENDA ITEM: 10.**

**LICENSING & GAMBLING  
COMMITTEE:**

**8<sup>th</sup> December 2009**

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**Report of: Executive Manager Community Services**

**Contact for further information: Paul Charlson (ext. 5246)**

**SUBJECT: APPROVAL OF STATEMENT OF LICENSING POLICY REQUIRED  
BY THE GAMBLING ACT 2005**

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LG15/LM

Borough wide interest

**1.0 PURPOSE OF REPORT**

1.1 To take the necessary action to approve and publish the revised Statement of Licensing Policy, as required by the Gambling Act 2005 (the Act).

**2.0 RECOMMENDATIONS TO LICENSING AND GAMBLING COMMITTEE**

2.1 That the revised Statement of Licensing Policy be approved.

**RECOMMENDATIONS TO CABINET**

2.2 That the revised Statement of Licensing Policy be approved.

2.3 That the Executive Manager Community Services be given delegated authority to publish and administer the revised Statement of Licensing Policy before the 31<sup>st</sup> January 2010.

**3.0 BACKGROUND**

3.1 In a similar manner to the Licensing Act 2003, the Council acts as Licensing Authority (the Authority) when discharging its functions under the Act.

3.2 As part of these responsibilities, Section 349 of the Act requires the Authority to produce a Statement of Licensing Policy (the Policy) which sets out the overall approach the Authority will take under the Act. The first such policy was published in January 2007 and given that the Act also requires that Policy Statements be revised every 3 years it is essential that the necessary steps be

taken to ensure the revised Policy Statement is published before the end of January 2010.

- 3.3 Members will recall a previous report to Committee that introduced the revised draft Policy and which received Members' approval at that time.

#### **4.0 CURRENT POSITION**

- 4.1 In its formal Guidance to Licensing Authorities, issued under Section 25 of the Act, the Gambling Commission recommends that consultation on draft Statements of Licensing Policy last for a minimum of 12 weeks. However, in order to meet Committee deadlines, the consultation period lasted for a substantively similar period, i.e. 11 weeks and 5 days.

- 4.2 Additionally, Section 349(3) of the Act lists the minimum consultees whom all Licensing Authorities must contact. These are:

- Chief Officer of Police for the Licensing Authority's 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 act.

- 4.3 This list has been made deliberately wide to enable the Authority to undertake a comprehensive consultation exercise with anyone who may be affected by, or otherwise have an interest in, the Policy.

- 4.4 In a similar manner to the consultation carried out for the Authority's first Policy Statement, consultees were contacted directly by letter, requesting their comments on the draft statement. A specific response form was used and appended to the draft statement for ease of respondents' use.

- 4.5 In addition, the following activities were undertaken to ensure increased awareness of the draft Policy:

- Regular updates in the local press that drew attention to the draft Policy and the need for contributions
- 'Have your say' leaflets were distributed to all Council offices, police stations and libraries in the Borough, giving details of the draft Policy and where and how comments could be made
- Copies of the draft Policy were made available at main council offices
- The draft Policy was posted on the Council's website, with specific online forms to receive comments
- Use of a dedicated licensing email address to receive comments on the draft Policy
- Presentation of the draft policy to the Council's MALT (Multi Agency Licensing Team)

- 4.6 Responses to the consultation could be received by letter, fax and email as well as through the Council's website.

## **5.0 ISSUES**

- 5.1 The revised Statement of Licensing Policy attached as Appendix 1 to this report has been compiled using all available legislation and guidance and takes account of the views expressed during the consultation period. However, the revised Policy does not differ greatly from the previous version with regard to any broad principle or procedural matters. Rather it provides a more accurate, succinct and practical document that builds upon the experience of Officers, Members, Responsible Authorities and Interested Parties since 2005, and it is hoped will be of greater use to these stakeholders for the next 3 years. A copy of the consultation response analysis is also attached at Appendix 2.
- 5.2 In order for the Council to function as Licensing Authority, the appended revised Statement of Licensing Policy must be approved for publication and use.

## **6.0 PROPOSALS**

- 6.1 In order to meet the requirements of Section 349 of the Gambling Act 2005, the Statement of Licensing Policy be approved by Committee / Cabinet with respect to the exercise of the Licensing Authority's functions under the Gambling Act 2005.
- 6.2 In order to meet the requirements of Section 349 of the Gambling Act 2005, the Executive Manager Community Services be authorised to publish the Statement of Licensing Policy approved by Council / Cabinet prior to the statutory deadline of 31<sup>st</sup> January 2010.

## **7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 7.1 This legislation has the potential to impact upon many areas within the Community, particularly upon the leisure time of the public of West Lancashire. The Objectives of the Act, therefore, fit closely with many aspects of the Community Strategy. The proposal has the following links with the Community Strategy: Community Safety (issues A and E); Economy and Employment (issue D); Health and Social Care (issue A); Culture, Leisure and Sport (issue B).

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 No additional financial or other resources are required.

## **9.0 RISK ASSESSMENT**

- 9.1 The Council has a legal duty to carry out the functions of the Act; therefore failure to do so is a breach under the Act. Accordingly, there is significant involvement from, and impact upon, statutory bodies, the gambling trade, the public and other interested parties associated with this legislation and its administration. Its implementation links closely with the Corporate Priority Action Plan, as the licensing objectives (under the Act) relate directly to the prevention of gambling from being a source of crime and disorder, and therefore will be influential to 'combat crime and the fear of crime'.

## **10.0 CONCLUSIONS**

- 10.1 The revised Statement of Licensing Policy will continue to have far reaching implications and aims to reflect the issues that have arisen in the District since the Act came into force. It therefore aims to provide improved guidance for both Officers and elected Members to ensure that decisions are made in a fair and consistent manner, as well as being an invaluable tool for applicants, residents and other occupiers of property and investors, to enable them to make plans to move or invest in the District with confidence.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

Gambling Commission Guidance to Local Authorities: 3<sup>rd</sup> Edition (May 2009).

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Appendices**

Appendix 1: West Lancashire Borough Council: Gambling Act 2005 Statement of Licensing Policy

Appendix 2: Consultation response analysis



# **West Lancashire Borough Council**

## **Gambling Act 2005** **Statement of Licensing Policy**

**December 2009**

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## **PART A: GENERAL**

### **1.0 The Licensing Objectives**

**1.1** In exercising most of the functions under the Gambling Act 2005 (the Act), West Lancashire Borough Council (the Council) is designated the Licensing Authority (the Authority) and 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** The Gambling Commission (the Commission) has specifically stated that the requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling, to which the Authority will have regard.

**1.3** In accordance with Section 153 of the Act, the Authority shall aim to permit the use of premises for gambling in so far as it thinks fit:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives, and
- In accordance with this Statement of Licensing Policy.

**1.4** A Glossary of the key terms used in this Statement of Licensing Policy is detailed at Appendix 1.

## 2.0 Introduction

### The Borough of West Lancashire

- 2.1 West Lancashire Borough Council is situated in the County of Lancashire, which contains 12 District Councils and 2 Unitary Councils, and is the most southerly of the Local Authorities within the County. The Borough has a population of 108,500 (National Census 2001) and covers an area of over 34,000 hectares, a large proportion of which is good and versatile agricultural land. The Borough has two market towns: Ormskirk and Burscough, with mainly rural parishes and villages to the north, (there are 19 Parish Councils and one Parish Meeting), and the former New Town of Skelmersdale to the east. A map of the Borough is detailed at Appendix 2.
- 2.2 West Lancashire is an attractive area and has a good road and rail network. The Borough benefits from social, retail and leisure links with the nearby urban areas of Liverpool, Southport, Preston and Wigan. These factors have led to Ormskirk and other parts of the Borough becoming popular areas to live for commuters.

### Legal background and rationale

- 2.3 This Statement of Licensing Policy (the Statement) sets out the manner in which the Authority will generally apply to promote the Licensing Objectives when considering and making decisions on applications made under the Act. This Statement has been prepared under Section 349 of the Act and in accordance with the Commission's Guidance for Licensing Authorities issued under Section 25 of the Act (the Guidance). The Authority is therefore constrained by the provisions of the Act, the Guidance and any Regulations made under the Act. However, the Authority may depart from the Guidance if it has reason to do so, but will give full justification for such departure.
- 2.4 The Authority is required by Section 349 of the Act to publish this Statement, which it proposes to apply when exercising its functions. This Statement shall be effective from the **[insert date]**, and shall remain in effect for three years; therefore this Statement will be reviewed in January 2013. Following this full review of its Statement, and prior to its publication, the Authority will consult fully those groups and individuals consulted on this version.
- 2.5 This Statement will also be kept under review during this three year period, and accordingly, the Executive Manager Community Services will maintain an 'Issues Log' in which all issues pertaining to this Statement will be recorded. Therefore the Authority will make revisions to the Statement from "time to time" as it considers appropriate. For example, where relevant issues have arisen, or where matters recorded in the 'Issues Log' indicate that that such a review is required. A further consultation will be carried out on any amendments made to the Statement, and the Statement will be re-published. No such issues were recorded that affect this revised statement.

- 2.6** Nothing in this Statement will override the right of any person to apply under the Act for a variety of permissions and have that considered on its own merits and according to the statutory requirements of the Act.
- 2.7** Nothing in this Statement will override the right of any person to make representations on any application or seek a review of a licence or certificate where they are permitted to do so under the Act.
- 2.8** The Council also has a responsibility under Section 17 of the Crime and Disorder Act 1998 to do all that it reasonably can to reduce crime and disorder in its area. Accordingly, it is recognised that prevention of crime and disorder is a vital element of ensuring the quality of life in a community and an important aspect of a successful and vibrant economy.
- 2.9** The Authority recognises that under Article 8 of the European Convention on Human Rights everyone has the right to respect for his/her private and family life. The Authority also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable nuisance caused by licensed premises/activities. Full consideration has been given to these issues in formulating this Statement.
- 2.10** This Statement recognises the Race Relations Act 1976, as amended by the Race Relations (Amendment) Act 2000, which 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. This Statement also recognises that the Council is required to produce a race equality scheme assessing the impact of proposed policies on race equality and to monitor policies for any adverse impact on the promotion of race equality, and this Statement is referenced in this race equality scheme. The Authority, in determining applications, will have regard to this legislation so as to avoid any possible indirect discriminatory impact on particular ethnic groups.
- 2.11** This Statement recognises the Disability Discrimination Act 1995, however no condition will be attached to a licence or certificate that conflicts or duplicates the requirements of the Act.

### **Development process and consultation**

- 2.12** The Council consulted widely upon this Statement before finalising and publishing the document. A list of the persons consulted is provided at Appendix 3.
- 2.13** The Act requires the Authority to consult the following parties:
- 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 Act.

**2.14** The consultation took place between 17<sup>th</sup> September 2009 and 2<sup>nd</sup> December 2009 and followed the Revised Code of Practice for public consultations, which came into effect in April 2004, and the Cabinet Office Guidance on consultations by the public sector.

**2.15** The full list of comments made, and the consideration by Council of those comments, is available from the Council using the contact details given at Appendix 5.

**2.16** This Statement was approved at a meeting of the Cabinet on *[insert date]* and was published via the Council's website on *[insert date]*. Copies have been placed in the public libraries in the Borough, as well as being available from the Council's Licensing Service at the address given in Appendix 5.

**2.17** If you have any comments on this Statement, please send them via e-mail or letter to:

Paul Charlson – Public Protection and Licensing Manager  
Westec House, 52 Derby Street, Ormskirk, Lancashire L39 2DQ.

Telephone: 01695 585246  
Fax: 01695 585126  
Email: [licensing.enquiries@westlancs.gov.uk](mailto:licensing.enquiries@westlancs.gov.uk)  
Webpage: [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

### **3.0 Declaration**

**3.1** In producing this Statement, the Authority declares that it has had regard to the Licensing Objectives of the Act, the Guidance, and any responses from those consulted on the Statement.

## **4.0 Responsible Authorities**

**4.1** Section 157 of the Act details the necessary Responsible Authorities.

**4.2** When exercising its powers under Section 157(h) of the Act to designate, in writing, a body that is competent to advise the Authority about the protection of children from harm, the Authority is required to state the principles it will apply. These principles are:

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

**4.3** Therefore, in accordance with the Guidance, the Authority designates Lancashire County Council Social Services, Children and Young Persons Services.

**4.4** The contact details of all the Responsible Authorities under the Act are given at Appendix 4 and are also available via the Council's website at: [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

## **5.0 Interested Parties**

- 5.1** Section 158 of the Act defines an Interested Party. An Interested Party can make representations about licence applications, or apply for a review of an existing licence.
- 5.2** The Authority will determine whether a person is an interested party if the person:
- Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
  - Has business interests that might be affected by the authorised activities;
  - Acts as a representative of those persons who satisfy either of the above points.
- 5.3** The Authority will consider each case and make a decision upon its merits, the Authority will also aim not to apply a rigid rule to its decision making.
- 5.4** The Authority will consider the examples of considerations provided in the Guidance when making the decisions whether a person is an interested party. If the Authority does not wish to follow the Guidance in any respect, it will provide written reasons as to why this deviation has taken place, noting that decisions on Premises Licences must be “in accordance” with the Guidance.
- 5.5** Interested Parties can include trade associations and trade unions, and residents’ and tenants’ associations. The Authority will not, however, generally view these bodies as Interested Parties unless they have a member who can be classed as one under the terms of the Act, as outlined in paragraph 5.2
- 5.6** Interested Parties can be persons who are democratically elected such as ward Councillors, Members of Parliament and Parish Councillors. Other than these persons, the Authority will require written evidence that a person ‘represents’ someone who either lives sufficiently close to the premises to be likely to be affected by the Authority’s activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation will be deemed as sufficient.
- 5.7** If individuals wish to approach ward Councillors to ask them to represent their views, then care should be taken that the Councillors are not part of the Committee that will deal with the licence application. If there are any doubts, please contact the Council’s Licensing Service using the contact details given at Appendix 5.



## **6.0 Exchange of Information**

- 6.1** Sections 29 and 30 of the Act require the Authority to state the principles to be applied by the Authority with respect to the exchange of information between it and the Commission. In addition, Section 350 of the Act also requires the Authority to state the principles to be applied with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2** In this regard, the Authority will act in accordance with the provisions of the Act in its exchange of information, which includes the provision that the Data Protection Act 1998 will not be contravened and that the requirements of the Freedom of Information Act 2000 will be adhered to. The Authority will also have regard to any guidance issued by the Commission to Local Authorities on this matter, as well as any relevant regulations, codes of practice etc.
- 6.3** Where any protocols are established to facilitate such exchange of information, these will be made available.
- 6.4** Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a Hearing being required, will form part of a public document. Any person making a representation, or applying for review of a Premises Licence, will be informed that their details will be disclosed.

## **7.0 Integration Strategies**

### *General*

- 7.1** There are many stakeholders in the gambling industry, covering a wide range of disciplines. Many are involved, directly or indirectly, in the promotion of the Licensing Objectives. The Authority, therefore, recognises that as part of implementing local authority cultural strategies, proper account should be taken of the need to encourage such activities for the wider cultural benefit of the community. The Authority will aim to monitor the impact of its decisions to ensure that this principle is being upheld.
- 7.2** Many of these strategies deal in part with the licensing function, and the Authority will establish appropriate liaison arrangements to ensure proper integration of local crime prevention, planning, local transport, tourism and cultural strategies.
- 7.3** Coordination of duties will involve close, and regular, liaison with Responsible Authorities. This shall be principally carried out through regular MALT (Multi Agency Licensing team) meetings, which will address strategic and operational issues raised by the Act.
- 7.4** The Authority recognises the need to avoid so far as possible duplication with any other regulatory regimes. However, some regulatory regimes do not cover the unique circumstances of some entertainment and, where relevant representations have been received, the Authority will consider attaching conditions to a licence or permission where these are necessary for the promotion of the Licensing Objectives and are not already provided for in any other legislation.

### *Planning*

- 7.5** The Authority recognises that there should be a clear separation of the planning and licensing regimes and licensing applications should not be a re-run of the planning application. The Authority will therefore ensure that the two regimes are kept separate. The Planning Committee will be kept regularly apprised of the situation regarding licensed premises within the Borough.

## **8.0 Enforcement**

**8.1** The Authority is required by regulation 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 its powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

**8.2** The Authority's principles for enforcement are that:

It will be guided by the Guidance and so it 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.

**8.3** In accordance with the Guidance, the Authority will endeavour to avoid duplication with other regulatory regimes so far as possible. The Authority will also, as recommended by the Guidance, adopt a risk-based inspection programme of premises. The details of such programmes will be made available separately from this Statement.

**8.4** The main enforcement and compliance role for the Authority will be to ensure compliance with the Premises Licences and other permissions that it authorises. The Commission will be the enforcement body for Operator and Personal Licences. Any concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Authority, but will be notified to the Commission. The Commission will also be responsible for compliance as regards unlicensed premises.

**8.5** The Authority will also keep itself informed of developments as regards the work of the Better Regulation Executive in its consideration of the regulatory functions of local authorities.

**8.6** To ensure transparency in its enforcement action, the Authority maintains an enforcement policy that all staff must comply with. A copy of the enforcement policy is available upon request to the Licensing Service, using the contact details provided at Appendix 5.

## 9.0 Licensing Authority functions

### 9.1 The Act requires the Authority 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) of the use of two or fewer gaming machines;
- Grant *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- 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.

### 9.2 It should be noted that the Authority is not involved in the licensing of remote gambling at all. This is the responsibility of the Commission, which is controlled via Operator Licences.

## **10.0 Hearings**

- 10.1** A Hearing will be arranged to deal with any applications, which cannot be dealt with under delegated powers or resolved by agreement between applicants and Interested Parties and/or Responsible Authorities.
- 10.2** Each case will be determined on its individual merits.
- 10.3** Hearings will be held at the earliest possible date having regard to the regulations published under the Act and the laws of natural justice. The Licensing Sub-Committee will conduct a quasi-judicial consideration of the application, objections and representations. Members will carefully consider their position should they be requested to hear a matter which occurs in their own ward.
- 10.4** A legal advisor, advocate or a friend may represent applicants where they do not choose to represent themselves. The Authority will endeavour to assist applicants in preparing for and participating in a Hearing.
- 10.5** Whilst the Committee and Sub-Committees will usually meet in public, they do have the power to hear certain applications in private. If this happens, a public announcement of the decision will be made at the end of the Hearing. The decision of the Committee or Sub-Committee will be accompanied by clear reasons for the decisions, having regard to the Human Rights Act 1998, the four Licensing Objectives and all other relevant legislation.
- 10.6** Conditions may be attached to licences where relevant representations are received. Any condition attached to a licence will be related to one or more of the Licensing Objectives and conditions will not relate to matters that are the subject of other legislation.

## **PART B: PREMISES LICENCES**

### **11.0 General Principles**

**11.1** Premises Licences will be subject to the permissions/restrictions set out in the Act and associated Regulations, as well as specific mandatory and default conditions. The Authority is able to exclude default conditions and also attach others, where it is believed to be appropriate.

**11.2** The 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 is:

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this Statement.

### **Definition of “premises”**

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

**11.4** When considering applications for multiple licences for a building or those for a specific part of the building to be licensed, the Authority will consider the relevant section of the Guidance appertaining to the division of premises and the access between premises.

**11.5** Similarly, when considering applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed), the Authority will consider the same section of the Guidance.

## Location

**11.6** Demand issues cannot be considered with regard to the location of premises but considerations in terms of the Licensing Objectives can. The 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. For example, the Authority would have regard to the proximity of the premises to schools, vulnerable adult centres or residential areas where there may be a high concentration of families and children. If the Authority is mindful to make any specific decision that states any area(s) where gambling premises should not be located, this Statement will be updated. It should be noted that any such decision would not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how such concerns can be overcome.

## Duplication with other regulatory regimes

**11.7** The Authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including the Council's Planning Service. The Authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. However, the Authority will listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

## Licensing objectives

**11.8** All Premises Licences granted by the Authority must be reasonably consistent with the Licensing Objectives. With regard to these objectives, the Authority has considered the Guidance and offers the following comments:

- ***Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime*** - Notwithstanding the above paragraphs, the Authority will pay attention to the proposed location of any gambling premises in relation to this Objective. Therefore, if an area has known high levels of organised crime, the Authority will consider whether gambling premises are suitable for that location.

The Authority is also 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. Issues of nuisance cannot be addressed under the Act.

- ***Ensuring that gambling is conducted in a fair and open way*** – The Authority will not concern itself with ensuring that gambling is conducted in a fair and open way, as this will be addressed via operating and personal licences.
- ***Protecting children and other vulnerable persons from being harmed or exploited by gambling*** – The Authority will take the approach that in practice this would often mean preventing children from taking part in gambling, and therefore when determining a relevant application, the Authority will consider whether specific measures are required at the premises.

At present no definition is offered with regard to the term “vulnerable persons”, therefore the Authority will consider this Objective on a case-by-case basis. However the Guidance does state 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, alcohol or drugs.” Where a practical definition is made available in the future, this Statement will be updated.

## **Conditions**

**11.11** 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.

**11.12** Decisions upon individual conditions will be made on a case by case basis. However, there are a number of control measures that the Authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. Specific comments made in this regard under each of the licence types below. The Authority will also expect the licence applicant to offer his/her own suggestions as to ways in which the Licensing Objectives can be met effectively.



**11.13** It is noted that there are conditions, which the Authority cannot attach to Premises Licences. These 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.

### **Door Supervisors**

**11.14** The Authority may consider whether there is a need for door supervisors in terms of the Licensing Objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. However, it is noted that the Security Industry Authority cannot license door supervisors at casinos or bingo premises. The Authority therefore may produce specific requirements for door supervisors working at casinos or bingo premises. This is in recognition of the nature of the work in terms of searching individuals, dealing with potentially aggressive persons, etc.

**11.15** Where conditions requiring the presence of door supervisors may be attached to Premises Licences or other permissions, the Authority will take account of available evidence, trading history and whether the presence of door supervisors is both necessary and proportionate.

## **12.0 Adult Gaming Centres**

**12.1** The 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 ensure that under 18 year olds do not have access to the premises. For example, appropriate licence conditions may cover issues such as:

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

Please note that this list is not mandatory, nor exhaustive.

## **13.0 (Licensed) Family Entertainment Centres**

**13.1** The 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 ensure that under 18 year olds do not have access to the adult only gaming machine areas. For example, appropriate licence conditions may cover issues such as:

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

Please note that this list is not mandatory, nor exhaustive.

**13.2** The Authority will refer to the Commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The Authority will also ensure that any mandatory or default conditions on these Premises Licences are used accordingly.

## **14.0 Casinos**

- 14.1** Under Section 166 of the Act, the Authority passed a 'no casino' resolution on the basis of current opinion within the membership of the Council. This decision was taken on the 26<sup>th</sup> April 2006.

### **Casinos and competitive bidding**

- 14.2** Notwithstanding the above paragraph, where a licensing authority area is enabled to grant a Premises Licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Act) there are likely to be a number of operators which will want to run the casino. In such situations the Authority will run a 'competition' under Schedule 9 of the Act and in compliance with the appropriate regulations.

### **Betting machines**

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

## **15.0 Bingo premises**

**15.1** It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than category D machines. Where category C machines, or above, are available in the premises to which children are admitted, the Authority will ensure that:

- All such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- Only adults are admitted to this area where the machines are located;
- Access to the area where the machines are located is supervised;
- The area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder, and
- At the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

**15.2** The Authority will consider any guidance issued by the Commission relating to the suitability and layout of bingo premises.

## **16.0 Betting premises**

### **Betting machines**

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

## **17.0 Betting Tracks**

**17.1** Tracks are different from other premises in that there may be subject to one or more Premises Licences, provided each licence relates to a specified area of the track.

**17.2** The Authority will have particular regard to 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.

The Authority would expect Premises Licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. However, 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, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

**17.3** The Authority will expect applicants to offer their own measures to meet the Licensing Objectives. For example, appropriate licence conditions may cover such issues as:

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

Please note that this list is not mandatory, nor exhaustive.

## **Gaming Machines**

- 17.4** The Commission will issue further guidance relating to location of such machines and any special conditions relating to them. The Authority will therefore consider this information when it is published.

## **Betting machines**

- 17.5** The Authority will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons when considering the number, nature and/or circumstances of betting machines an operator wants to offer. The Authority will also consider restricting the number and location of such machines in respect of applications for track betting Premises Licences.

## **Condition on rules being displayed**

- 17.6** The Authority may attach a condition to track Premises Licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race card or made available in leaflet form from the track office.

## **Applications and plans**

- 17.7** The Government will publish regulations setting out any specific requirements for applications for premises licences. The Authority will consider these regulations when published in accordance with the Commission's suggestion "To ensure that licensing authorities gain a proper understanding of what they are being asked to license, they should, in their licensing policies, set out the information that they will require which should include detailed plans for the racetrack itself and the area that will be used for temporary "on-course" betting facilities (often known as the "betting ring"); and in the case of dog tracks and horse racecourses, fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities;" and that "Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence."
- 17.8** The Authority also notes that in the Commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences, to ensure that there is clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises.



## **18.0 Travelling Fairs**

- 18.1** The Authority will decide whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 18.2** The Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 18.3** The 27-day statutory maximum for the land being used as a fair, is per calendar year, and 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. The Authority will work with its neighbouring authorities to ensure that land that crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **19.0 Provisional Statements**

**19.1** When considering Provisional Statements, it is a question of fact and degree whether premises are finished to a degree that they can be considered for a Premises Licence. Similarly, requiring the building to be complete ensures that the Authority can inspect it fully.

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

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

**19.3** The Authority will not take into account irrelevant matters. An example of such an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

## **20.0 Reviews**

**20.1** Responsible Authorities and Interested Parties may request a review of a Premises Licence at any time. However, it is for the Authority to decide whether the review is to be conducted. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Commission;
- In accordance with any relevant guidance issued by the Commission;
- Reasonably consistent with the Licensing Objectives; and
- In accordance with this statement.

**20.2** The Authority can also initiate a review of a licence on the basis of any reason that it considers is appropriate.

## **PART C: PERMITS / TEMPORARY & OCCASIONAL USE NOTICES**

### **21.0 Unlicensed Family Entertainment Centre Gaming Machine Permits (Statement of Principles on Permits – Schedule 10 paragraph 7)**

**21.1** Where a premises does not hold a Premises Licence but wishes to provide gaming machines, it may apply to the Authority for this permit. Applicants should note that they must demonstrate that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

**21.2** The Authority may prepare a *statement of principles* that it proposes 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. Paragraph 26.4 of the Guidance directs the Authority to give weight to child protection issues when considering these permits.

**21.3** An application for a permit may be granted only if the Authority is satisfied that the premises will be used as an Unlicensed Family Entertainment Centre, and if the Licensing Unit of Lancashire Constabulary has been consulted on the application. The Authority would take into account considerations such as the applicant's suitability (e.g. any convictions that they may have that would make them unsuitable to operate a family entertainment centre), the suitability of the premises in relation to their location, and issues about disorder.

**21.4** The Authority cannot attach conditions to this type of permit, and the "Statement of Principles" only applies to initial applications and not to renewals.

### **21.5 Statement of Principles**

The Authority will invite 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. 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. The Authority will also expect, as per the Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in Unlicensed Family Entertainment Centres; 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.

## **22.0 (Alcohol) Licensed Premises Gaming Machine Permits – (Schedule 13 Para 4(1))**

**22.1** The Act makes provision for premises that holds a Premises Licence under the Licensing Act 2003 for the sale/supply of alcohol on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Authority. The 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 Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the 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 Act has been committed on the premises

**22.2** If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the Authority will consider that application based upon the Licensing Objectives, the Guidance, and “*such matters as they think relevant.*” This 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 site 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 of help. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

**22.3** It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an Adult Entertainment Centre Premises Licence.

**22.4** The Authority can 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.

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

## **23.0 Prize Gaming Permits – (Statement of Principles on Permits - Schedule 14 Para 8 (3))**

**23.1** The Authority may prepare a *Statement of Principles* that it proposes to apply in exercising their functions under this Schedule which may, in particular, specify matters that the Authority propose to consider in determining the suitability of the applicant for a permit.

**23.2** The Authority has prepared a *Statement of Principles*, which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should be able to demonstrate:

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

**23.3** In making its decision on an application for this permit the Authority does not need to have regard to the Licensing Objectives but must have regard to any guidance produced by the Commission.

**23.4** There are conditions in the Act, which the permit holder must comply with, but the Authority cannot add 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.

## **24.0 Club Gaming and Club Machines Permits**

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

**24.2** 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. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

**24.3** Before granting the permit the Authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18.

**24.4** The Authority may only refuse an application on the grounds that:

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

**24.5** There is also a 'fast-track' procedure available for premises, which hold a Club Premises Certificate under the Licensing Act 2003. 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 the Authority can refuse a permit are reduced. The grounds on which an application under the process may be refused are:

- That the club is established primarily for gaming, other than gaming prescribed under schedule 12;

- That in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- That a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.



## **25.0 Temporary Use Notices**

**25.1** There are a number of statutory limits with regard to Temporary Use Notices. As with the definition of "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", the Authority will need to look at, amongst other things, the ownership/occupation and control of the premises. The Authority will 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.

## **26.0 Occasional Use Notices**

- 26.1** The Authority has very little discretion with such notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. However, the Authority will need to consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## Glossary of Terminology

All key terms are defined in Section 353 of the Act or relevant Regulations and Statutory Guidance, however the following terms will be of use when reading this Statement.

**Adult Gaming Centres (AGC)** Premises that hold a gaming machines general Operating Licence from the Commission and holds an AGC Premises Licence from the Authority. They will be able to make category B, C and D gaming machines available to their customers.

**Betting premises** Premises licensed for off-course betting, that is betting that takes place other than at a track in what is currently known as a betting office.

**Betting track** Sites (including horse racecourses and dog tracks) where races, or other sporting events take place. There is no special class of betting premises licence for a track, but the Act does contain rules which apply for premises licences granted in a respect of a track.

**Bingo** Bingo has no statutory definition. It is to have its ordinary and natural meaning. The Gaming Act 1968, defined 2 types of bingo:

- Cash bingo, where the stakes paid made up the cash prizes that were won; or
- Prize bingo, where various forms of prizes were won, not directly related to the stakes paid.

For commercial operators, the Gambling Act 2005 abolishes the distinction between these two versions of the game, and the holder of a bingo operating licence will be able to offer any type of bingo game, whether cash or prize. Therefore a premises that hold a bingo premises Licence will be able to offer bingo in all its forms.

Apart from commercial bingo halls, prize bingo is traditionally a game played in arcades, or travelling funfairs. For these operators, prize bingo is being subsumed within the allowances for prize gaming in the Act. This means that Adult Gaming Centres, both Licensed and Unlicensed Family Entertainment Centres, and travelling fairs, (or any premises with a prize gaming permit) will be able to offer prize gaming, which includes prize bingo. (In this form of gaming, the nature of the prize must not be determined by reference to the number of people playing the game, and the nature or the size of the prize must not be determined by reference to the amount paid for or raised by the gaming.)

**Code of Practice:** Means any relevant code of practice under Section 24 of the Gambling Act 2005

**Default Condition:** Means a specified condition provided by regulations to be attached to a licence, unless excluded by West Lancashire Borough Council

**Borough:** The area of West Lancashire administered by West Lancashire Borough Council (Map appended at Appendix 2)

**Interested Party:** For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person:

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) Has business interests that might be affected by the authorised activities;
- c) Represents persons who satisfy a) or b) above.

Licensing Objectives:

As defined in paragraph 1.1

Mandatory Condition:

Means a specified condition provided by regulations to be attached to a licence

Notifications:

Means notification of temporary and occasional use notices

Regulations:

Regulations made under the Gambling Act 2005

Responsible Authority:

Those Authorities detailed in Appendix 4

Travelling fairs:

A fair consisting wholly or principally of the provision of amusements and provided wholly or principally by persons who travel from place to place for the purpose of providing fairs and held on a site that has been used for fairs for no more than 27 days per calendar year.

Categories of gaming machine:

Category	Maximum Stake	Maximum Prize
A	Unlimited	Unlimited
B1	£2	£4000
B2	£100	£500
B3	£1	£500
B4	£1	£250
C	50P	£25
D	10p or 30p when non monetary prize	£5 or £8 when non monetary prize

Number of gaming machines by premises type:

Type of premises	Gaming tables (minimum)	Gaming machines
Regional casino	40	25 gaming machines of category A to D for each table available for use.
Large casino	1	5 gaming machines of category B to D for each table available for use.
Small casino	1	2 gaming machines of category B to D for each table available for use.
Bingo premises	N/A	4 gaming machines of Category B3 and B4. Unlimited machines of
Betting premises	N/A	4 gaming machines of category B2 to D

Betting premises	N/A	4 gaming machines of category B2 to D
Track betting premises where pool betting licence held	NA	4 gaming machines of category B2 to D
Adult gaming centre	N/A	4 gaming machines of category B3 to D. Unlimited machines of category C and D
Family entertainment centre with operating licence	N/A	Unlimited gaming machines of category C to D
Family entertainment centre with gaming permit	N/A	Unlimited gaming machines of category D
Members club premises	N/A	3 gaming machines of category B4 to D
On sales alcohol licensed premises without food restriction	N/A	2 gaming machines of category C to D by notification. Unlimited of category C to D with alcohol premises gaming permit

**Map detailing key locations in the  
West Lancashire Borough**

*[insert map]*

## List of consultees

<b>Responsible Authorities:</b>				
Lancashire Constabulary Licensing Unit	County Police Office	St Thomas Road	Chorley	PR7 1DR
Lancashire Fire & Rescue Service	Skelmersdale Fire Station	Tanhouse Road	Skelmersdale	WN8 9NN
HM Customs and Excise	Boundary House	Cheadle Point	Cheadle	SK8 2JZ
Lancashire County Council	Childrens and Young Persons Division	PO Box 162 East Cliff County Offices	Preston	PR1 3EA
Gambling Commission	Victoria Square House	Victoria Square	Birmingham	B2 4BP
WLBC	Environmental Protection	Westec House	Ormskirk	
WLBC	Development Control Services	52 Derby Street	Ormskirk	

<b>Gambling Act: Licensed Premises</b>				
David Pluck Bookmakers	24 Ormskirk Road	Up Holland		WN8 0AG
William Hill Bookmakers	58 Liverpool Road North	Burscough		L40 4BY
William Hill Bookmakers	14 Moorgate	Ormskirk		L39 4RY
William Hill Bookmakers	51-53 The Concourse	Skelmersdale		
William Hill Bookmakers	120 The Concourse	Skelmersdale		WN8 6LJ
William Hill Bookmakers	61-63 Birleywood	Skelmersdale		WN8 9HR
Ladbroke Racing Ltd	32 Moor Street	Ormskirk		L39 2AQ
Done Bros Ltd	53 Westgate	Skelmersdale		WN8 8LP
David Pluck Bookmakers	2-4 Hall Green	up Holland		WN8 0PB
TaylorMade Betting	17-17a Aughton Street	Ormskirk		L39 3BH

<b>Gambling Act: Licensed Premises Head Offices</b>				
William Hill	Greenside House	50 Station Road, Wood Green	London	N22 7TP
David Pluck (North West) Ltd	Northwest House	343 Woodchurch Road	Birkenhead, Wirral	CH42 8PE
Ladbrokes PLC	Imperial House	Imperial Driver, Rayners Lane	Harrow	HA2 7JW
Leisure Time Amusements	12 Church Street	Ormskirk		L39 3AN
C&Ks Ltd	77 The Concourse	Skelmersdale		WN8 6HD

<b>MPs, Councillors etc.:</b>				
Clerk to Aughton Parish Council	6 Cole Crescent	Aughton	Ormskirk	L39 5AJ
Clerk to Bickerstaffe Parish Council	7 Hilltop Walk	Ormskirk		L39 4TH
Clerk to Bispham Parish Council	14 Grimshaw Green Lane	Bispham	Parbold	WN8 7BB
Clerk to Burscough Parish Council	Office 1, Martland Mill	Mart Lane	Burscough	L40 0SD
Clerk to Dalton, Lathom South & Parbold Parish Councils	1 Pinewood	Skelmersdale		
Clerk to Dalton Parish Council	2 Tarnbeck Drive	Mawdsley		
Clerk to Great Altcar Parish Council	1 Engine Lane	Great Altcar	Liverpool	L37 5AH
Clerk to Halsall Parish Council	3 Rawlinson Grove	Southport		
Clerk to Hesketh with Beconsall Parish Council	125 Roe Lane	Southport		
Clerk to Hilldale Parish Council	57 Fairhurst Drive	Parbold		
Clerk to Lathom Parish Council	14 Eastleigh	Skelmersdale		
Clerk to Newburgh Parish Council	Avilion	Hillock Lane	Dalton	WN8 7RJ
Clerk to North Meols Parish Council	25 Irton Road	Southport		PR9 9DY
Clerk to Rufford Parish Council	36 Newington Drive	Bury		
Clerk to Scarisbrick Parish Council	5 Chambres Road	Southport		PR8 6JG
Clerk to Simonswood Parish Council	The Barn, Sand Brow Farm	Sandy Brow Lane	Kirkby	L33 3AE
Clerk to Tarleton Parish Council	18 Delamere Road	Ainsdale	Southport	PR8 2RD
Clerk to Up Holland Parish Council	10 The Nook	Appley Bridge	Wigan	WN6 9JB
Clerk to Wrightington Parish Council	321 Preston Road	Standish	Wigan	WN6 0QB
Rosie Cooper MP	127 Burscough Street	Ormskirk		L39 2EP
David Borrow MP	Crescent House	2-6 Sandy Lane	Leyland	PR25 2EB
All WLBC elected Members				

<b>Community, Business, Support Agencies:</b>				
British Beer and Pub Association	Rowan House	Fairways Court, Darrington	West Yorkshire	
Federation of Small Businesses	347a Garstang Road	Fulwood	Preston	
Federation of Licensed Victuallers Assoc	126 Bradford Road	Brighouse	West Yorkshire	
GONW	Sunley Tower	Piccadilly Plaza	Manchester	



NWDA	13 Winkley Street	Preston		
North & West Lancashire Chamber of Commerce	9/10 Eastway Business Village	Oliver's Way	Preston	
National Assoc of Licensed House Managers	14 Birmingham Road	Walsall	West Midlands	
BACTA	Alders House	133 Aldersgate Street	London	
West & Central Lancs Chamber of Commerce	9/10 Oliver's Way	Eastway	Preston	
Clerk of the Court	Lancashire Magistrates Court Service	St Thomas Square, St Thomas Road	Chorley	
Edge Hill University	St Helens Road	Ormskirk		
Gam Anon	National Service Office	PO Box 88	London	
Gamblers Anonymous UK	PO Box 5382		London	
West Lancashire CAB	128 Sandy Lane	Skelmersdale	Lancashire	
GamCare	2nd Floor 7-11 St Johns Hill		London	SW11 1TR

<b>Residents associations etc.:</b>				
Birch Green EMB	83 Firbeck	Birch Green	Skelmersdale	
Clay Brow & Holland Moor EMB	44b Carfield	Clay Brow	Skelmersdale	
Digmoor EMB	185 Banksbarn	Digmoor	Skelmersdale	
Tanhouse EMB	103 Elmridge	Tanhouse	Skelmersdale	
Ashurst 1 Residents Assoc	66 Lindens	Ashurst	Skelmersdale	
Tanhouse 4 & 5 Residents Assoc	2 Evenwood	Tanhouse	Skelmersdale	
New Church Farm Residents Assoc	80 Windrows	New Church Farm	Skelmersdale	
Scott Estate Residents Assoc	3 Scott Drive	Ormskirk		
Old Skelmersdale Residents Assoc	15 Marchbank Road	Skelmersdale		
Birch Green 4 ,8, 10 & 11 Residents Assoc	9 Ivybridge	Skelmersdale		

### List of Responsible Authorities

For the purposes of this Act, the following are Responsible Authorities in relation to premises:

1. The Licensing Authority in whose area the premises are wholly or mainly situated (“West Lancashire Borough Council”);
2. The Gambling Commission;
3. Lancashire Constabulary;
4. Lancashire Fire and Rescue Service;
5. Development Control, Planning Dept, West Lancashire Borough Council;
6. Environmental Protection Service, West Lancashire Borough Council;
7. Children and Young Persons Division, Lancashire County Council;
8. HM Customs and Excise.

Lancashire Constabulary  
Licensing Unit: C Division  
County Police Office, St Thomas's Road  
Chorley Lancashire PR7 1DR

Telephone: 01257 246215  
Fax: 01257 246217  
Email:  
[anthony.bushell@lancashire.pnn.police.uk](mailto:anthony.bushell@lancashire.pnn.police.uk)

West Lancashire Borough Council  
Development Control Service  
52 Derby Street, Ormskirk  
Lancashire L39 2DF

Telephone: 01695 577177  
Email: [plan.apps@westlancs.gov.uk](mailto:plan.apps@westlancs.gov.uk)

HM Customs and Excise  
Boundary House  
Cheadle Point  
Cheadle  
Cheshire  
SK8 2JZ

Telephone: 0845 010 9000  
Email: [mailto:enquiries.nw@hmrc.gsi.gov.uk](mailto:mailto:enquiries.nw@hmrc.gsi.gov.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Telephone: 0121 230 6500  
Fax: 0121 233 1096

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Lancashire Fire and Rescue Service  
Fire Safety Officer - Skelmersdale Fire Station  
Tanhouse Road, Skelmersdale,  
Lancashire WN8 9NN

Telephone: 01695 723853  
Fax: 01695 731172  
Email:  
[skelmersdaleFireSafety@lancsfirerescue.org.uk](mailto:skelmersdaleFireSafety@lancsfirerescue.org.uk)

Andrew Hill - Environmental Protection Manager  
West Lancashire Borough Council  
Westec House, Derby Street  
Ormskirk, Lancashire L39 2DQ

Telephone: 01695 585243  
Fax: 01695 585126  
Email: [a.hill@westlancs.gov.uk](mailto:a.hill@westlancs.gov.uk)

Lancashire County Council  
Children and Young Persons Division  
PO Box 162  
East Cliff County Offices  
Preston  
PR1 3EA

### Useful contacts

Further information on West Lancashire Borough Council's Statement of Licensing Policy or the Gambling Act 2005 can be obtained from the Public Protection and Licensing Manager using the contact details below. The Executive Manager Community Services, David Tilleray, has overall responsibility for the Licensing Service.

West Lancashire Borough Council, Licensing Service, Westec House, Derby Street, Ormskirk, Lancashire L39 2DQ

Telephone: 01695 577177

Fax: 01695 585126

Email: [licensing.enquiries@westlancs.gov.uk](mailto:licensing.enquiries@westlancs.gov.uk)

Webpage: [www.westlancs.gov.uk/licensing](http://www.westlancs.gov.uk/licensing)

Information on the Gambling Act 2005 is also available from:

The Department for Culture, Media and Sport

2-4 Cockspur Street,

London SW1Y 5DH

Telephone: 020 7211 6200

Email: [enquiries@culture.gov.uk](mailto:enquiries@culture.gov.uk)

Internet: [www.culture.gov.uk](http://www.culture.gov.uk)

Gambling Commission

Victoria Square House

Victoria Square

Birmingham

B2 4BP

Telephone: 0121 230 6500

Fax: 0121 233 1096

Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)



## Appendix 2

### Gambling Act 2005 Statement of Licensing Policy

Consultation representation analysis: consultation period 17<sup>th</sup> September 2009 – 2<sup>nd</sup> December 2009

3 respondents

Ref no.	Respondent	Para	Comments	Appraisal	Response
001	A Hill Env Protection Manager WLBC	N/A	No comments.	No action required.	No change.
002	British Beer & pub Association (BBPA)	General	BBPA runs training schemes to reinforce the management of gaming machines to ensure the minimum age.	Noted.	No change.
			No reason why machine permits should not be granted if complies with GC code of practice.	Noted. Policy reflects the impartial assessment of an application	No change.
			Would like to see outline of an application for permits for more than 2 machines.	Response unjustified. Current guidance remains at 2 machines. Whilst there is some flexibility to increase, local demand does not reflect this requirement.	No change.
003	British Amusement Catering Trades Association (BACTA)	General	Commends format of policy	Noted.	No change.
			The exercise of local authority's discretion is an essential part of regulation under the Act and the principles that are to be applied are to be viewed against the duty of the licensing authority under Section 153 which is to "aim to permit the use of premises for gambling"	Noted. The Policy reflects this approach.	No change.
			It is noted that Gambling Commission Guidance states that 'interested parties' includes trade associations and although BACTA is not of itself an interested person under the terms of the Gambling Act 2005 it does represent, through its members, parties who live sufficiently close to premises to be affected by activities being applied for.	Noted. The Policy reflects this approach.	No change.

		<p>Conditions must not duplicate protection which is already imposed by regulation from the Commission. Therefore before any condition is imposed there must be:</p> <ul style="list-style-type: none"> <li>- identification of which of the Licensing Objectives is threatened;</li> <li>- actual evidence of such threat;</li> <li>- reasons why the proposed condition would be effective to address such threat, and</li> <li>- reasons why such threat is not already addressed by existing regulation in the form of operating licence conditions, premises licence mandatory conditions and Gambling Commission codes of practice.</li> </ul>	Noted. The Policy reflects this approach.	No change.
		<p>Licensing authorities are given the power to initiate a review a premises licence. Such reviews should only result from a breach of the licence or a threat to the licensing objectives. Therefore if licence has been granted and the premises operated in accordance with the licence there would be no grounds to review a licence if additional guidance or regulations are issued. A licence should not be subject to retrospective application of guidance.</p>	Noted. The Policy reflects this approach.	No change.
		<p>BACTA fully supports the protection of children and the vulnerable. The Act contains specific offences under Parts 3 and 4 which include heavy fines and imprisonment should children and young people be exposed to adult only environments. Parliament considered that such penalties would be effective to deter breaches of the Act. In particular the DCMS conducted a detailed review of evidence regarding the way in which Category D machines are offered to children and concluded that there was no evidence of harm. The Minister stated to Parliament that any change in the way in which Category D machines were offered would be based on evidence and discussed before Parliament. It would therefore be inappropriate for a licensing authority to impose restrictions that were contrary to Parliamentary intention or Parliamentary process.</p>	Noted. The Policy reflects this approach.	No change.
		<p>While licensing authorities should take particular care in considering applications for multiple licenses under one premises, their concern should be to ensure that there are clear barriers and that the license conditions are properly</p>		No change.

		<p>observed. It is clearly Parliamentary intention to permit adjacent adult and family areas referred to above, however, the direct internal access to such areas must be sufficiently clear to prevent “drift”. It should be recalled that the demand test does not apply under the Act and therefore licensing authorities should not refuse an application based upon their view of the numbers of machines which will be permitted in a particular geographical area. The focus for attention should be to ensure that each licensed premises complies with licence conditions and codes of practice. We note that the Gambling Commission has revised its guidance on the primary activity and the definition of premises. In deciding whether to grant a premises licence, the local authority should be concerned that the application meets the requirements of the regulations. The Gambling Commission will ask an operator how he/she will be providing the gambling before granting the operating licence, e.g. they will ask how the bets will be taken and settled before granting a betting licence. Therefore a licensing authority can be satisfied that a gambling operator is able to provide the main gambling type.</p>		
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