



Licensing Act Committee

| | |
|---------------|---|
| Date: | Wednesday, 24 November 2021 |
| Time: | 6.30 p.m. |
| Venue: | Floral Pavilion, Marine Promenade, New Brighton |

Members of the public are encouraged to view the meeting via the webcast (see below), but for anyone who would like to attend in person, seating is limited therefore please contact us in advance of the meeting if you would like to reserve a seat. All those attending will be asked to wear a face covering (unless exempt) and are encouraged to take a Lateral Flow Test before attending. You should not attend if you have tested positive for Coronavirus or if you have any symptoms of Coronavirus. Wirral Council is fully committed to equalities and our obligations under The Equality Act 2010 and Public Sector Equality Duty. If you have any adjustments that would help you attend or participate at this meeting, please let us know as soon as possible and we would be happy to facilitate where possible. Please contact committeeservices@wirral.gov.uk

This meeting will be webcast at
<https://wirral.public-i.tv/core/portal/home>

Contact Officer: Anne Beauchamp
Tel: 0151 691 8608
e-mail: annebeauchamp@wirral.gov.uk
Website: www.wirral.gov.uk

AGENDA

1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee are asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

2. MINUTES (Pages 1 - 2)

To approve the accuracy of the minutes of the meeting of the Licensing Act Committee held on 17 June 2021.

3. MINUTES OF THE LICENSING PANEL (Pages 3 - 30)

To approve the accuracy of the minutes of the Licensing Panel meetings held on 30 June, 17 August, 27 August, 22 September and 24 September 2021.

4. DRAFT STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005 (Pages 31 - 96)

LICENSING ACT COMMITTEE

Thursday, 17 June 2021

Present: Councillor A Hodson (Chair)

| | | |
|-------------|-----------------|-------------|
| Councillors | J Bird | C O'Hagan |
| | D Burgess-Joyce | C Spriggs |
| | M Collins | I Williams |
| | E Gleaves | KJ Williams |
| | C Jones | S Williams |
| | S Jones | A Wright |
| | D Mitchell | |

1 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Committee were asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

2 MINUTES

Resolved – That the accuracy of the minutes of the meeting held on 14 October 2020 be approved.

3 MINUTES OF THE LICENSING PANEL

Resolved – That the accuracy of the minutes of the meetings of the Licensing Panel held on 11 December 2020, 12 February 2021, 21 April 2021, 28 April 2021 and 29 April 2021 be approved.

4 APPOINTMENT OF THE LICENSING PANEL

The Committee was requested to appoint the Licensing Panels for the ensuing year. In 2020/21, each Licensing Panel had been comprised of three Members drawn from the pool of fifteen Committee Members in accordance with the provisions set out in the Licensing Act 2003. The Chair was appointed on the day of each meeting.

The Licensing Manager advised that Members are unable to consider applications in their own Ward.

It was confirmed by the Chair that all Members had attended relevant training in order for them to be able to undertake their functions under the Licensing Act 2003 and the Gambling Act 2005.

Resolved –

- (1) That Licensing Panels be appointed with the term of membership to be continued until amended or otherwise changed by this Committee and until such time as a new Licensing Act Committee is appointed.**
- (2) That each Licensing Panel meeting with the terms of reference outlined in the Council's Constitution be comprised of three Members drawn from the Members of this Committee.**

LICENSING PANEL

Wednesday, 30 June 2021

Present: Councillors A Hodson
D Burgess-Joyce
D Mitchell

1 APPOINTMENT OF CHAIR

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

3 APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - FIT GRILL, 1A VILLAGE ROAD OXTON

The Director of Law and Governance reported upon an application that had been received from Fit Foods Wirral Limited to vary a Premises Licence in respect of Fit Grill, 1a Village Road, Oxton.

It was reported that the premises currently have a Premises Licence and the permitted hours were set out within the report. The hours applied for to vary the Premises Licence were also set out within the report. The application submitted was also to remove a condition from the Premises Licence that “the primary use of the premises shall be that of a café/restaurant and alcohol will only be sold as an ancillary to the provision of food.”

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application eight representations had been received from local residents. The representations related to concerns of crime and disorder

and public nuisance being caused to local residents should the application be granted. Copies of the representations were available.

The applicant, Mr Robinson attended the meeting. A number of local residents were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The applicant advised that the application had been made in order to seek flexibility to provide some customers with alcohol without the provision of food and to extend the times during which the business could operate. The applicant highlighted the fact that the premises had been closed for most of the year due to the pandemic which had resulted in a financial impact on him and the business. Mr Robinson emphasised the fact that he did not want the premises to operate as a bar and it would be first and foremost a restaurant with the provision for people being able to continue to drink after they had finished their meal and for a limited number of people to have a drink without having a meal. He informed Members that he would not allow large groups of people to enter the premises for a drink only and that he expected this offer to be primarily for couples.

Mr Robinson outlined the way in which his business operated which was to provide healthy food and drink to his customers. He advised that smoking and vaping would be discouraged outside the vicinity of the premises.

Mr Robinson responded to questions from Members of the Licensing Panel, local residents and Mr D K Abraham, Legal Advisor to the Panel.

Mr Robinson acknowledged the concerns expressed by residents and advised that he was very much aware of the issues relating to parking in the area. He advised the Panel that he did not want the operation of his business to be a cause for concern to local residents and that he was aware of his obligations to prevent public nuisance.

In response to questions from local residents, Mr Robinson advised that there would only be background music played at the premises and that he would operate table service only. He informed Members of the Panel that he would also be content for his contact number to be shared with local residents. He also referred to concerns expressed regarding a neon 'bar open' sign displayed at the premises and whilst he did not accept that this portrayed his business as a bar, he agreed that he would remove it.

The local residents in attendance expressed their serious concerns that the application to vary the Premises Licence would result in the premises

operating as a bar. They reported that this would result in increased noise and disturbance late at night and exacerbate the difficulties related to parking in the area.

The residents who lived directly opposite the premises expressed concerns that they would suffer disturbance from customers standing on the pavement outside the premises and also leaving the premises late at night. In response to these concerns the applicant advised that he would discourage persons from standing outside of the premises and manage customers leaving the restaurant so that they do not cause a nuisance to local residents.

In determining the application the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

The Licensing Panel had particular regard to the fact that the applicant advised that the removal of the condition that "the primary use of the premises shall be that of a cafe/restaurant and alcohol will only be sold as an ancillary to the provision of food" would not change the primary use of the premises as a restaurant and that the reason for seeking this variation was to allow flexibility to provide some customers with alcohol without the provision of food. The Panel took into account the fact that the current planning permission relating to these premises is that its primary use must be as a restaurant/café and not as a bar.

In coming to their decision Members of the Licensing Panel gave consideration to the assurances provided by the applicant that the premises would not operate as a bar and would be managed in such a way as to prevent any nuisance being caused to local residents.

Members of the Panel noted the willingness of the applicant to share his contact number in order to liaise with local residents in respect of any concerns that may arise.

In determining the matter, Members of the Licensing Panel had regard to Section 15 of their Licensing Policy which refers to premises situated in close proximity to residential accommodation.

Whilst the Members of the Licensing Panel noted the concerns of local residents in respect of parking, they considered that this was not a relevant matter for them to consider when determining an application for licensable activities at these premises which already had planning permission to operate as a restaurant.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application to vary a Premises Licence in respect of Fit Grill, 1a Village Road, Oxton, be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 22:30

Hours Open to the Public

Sunday to Saturday 08:00 to 23:00

And that the following condition be removed:

- **The primary use of the premises shall be that of a cafe/restaurant and alcohol will only be sold as an ancillary to the provision of food be removed.**

(3) That in addition to the conditions set out in the operating schedule, the following conditions be placed on the Premises Licence:

- **The premises must not be referenced or promoted as a bar.**
- **The premises must operate table service only.**
- **The premises must implement a dispersal policy which includes customers remaining inside the premises whilst waiting for taxis.**

4 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CONTENTO RESTAURANT, 146 BELVIDERE ROAD, WALLASEY

The Director of Law and Governance reported upon an application that had been received from SR (Wirral) Limited for a Premises Licence in respect of Contento Restaurant, 146 Belvidere Road, Wallasey.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application eleven representations had been received from local residents. The representations related to concerns of public nuisance being caused to local residents should the application be granted. Copies of the representations were available.

The applicant, Mr Buck attended the meeting together with his representative Mr Nickson and the proposed Manager of the premises.

Councillor Paul Hayes attended the meeting on behalf of local residents and a number of local residents were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received. Councillor Hayes referred to one of the documents submitted by an individual who lived in Bebington and highlighted the fact that this was some distance away from these premises.

In response to this, Mr Nickson advised that he would explain the relevance of the letter in his submissions.

The Licensing Manager outlined the report.

Mr Nickson addressed the Panel and advised that the application for a Premises Licence had been made in order that alcohol could be supplied as part of the offer as a restaurant. Mr Nickson further advised that the applicant had a number of years' experience operating restaurants in residential areas in Wirral. Mr Nickson made reference to the letter submitted by an individual who had previously been opposed to an application for a restaurant in a residential area operated by the applicant but that he was now content to endorse the applicant as a competent and ethical person to operate such a business.

Mr Nickson, on behalf of the applicant, referred to the comprehensive conditions put forward in the application to ensure that the premises would operate in accordance with the licensing objectives. Mr Nickson made reference to the fact that car parking was a particular concern raised by local residents within their representations, however he submitted that car parking was not a relevant consideration for the Licensing Panel in determining the application.

The applicant addressed the Panel and outlined his experience operating two restaurants in residential areas without causing issues to local residents. He

advised that through this experience he had put measures in place to prevent causing a nuisance to local residents, for example, he ensured that customers remained inside the premises whilst waiting for taxis late at night. He emphasised to the Licensing Panel that the business would operate as a tapas restaurant and not a bar.

The applicant responded to questions from Members of the Licensing Panel, Councillor P Hayes, Mr D K Abraham, Legal Advisor to the Panel and the local residents in attendance.

In response to the concerns raised by local residents in respect of noise outside the premises, Mr Buck amended his application to exclude the outside patio terraced area and advised he would not make use of this area for customers to consume food or drink. He reported that he would prohibit individuals taking drinks outside into this area.

The applicant informed Members of the Panel that he would be willing to reduce the hours applied for and he confirmed that there would be a dispersal policy in place in respect of customers leaving the premises.

Councillor Hayes addressed the Panel and advised that he was speaking on behalf of local residents. He reported that the location of the premises was in a residential area and that in his view, this was not a suitable location for this type of premises. He believed that the operation of this type of business in this area would have a negative impact on people living in the vicinity and that should the application be granted, it would constitute public nuisance given the close proximity to local residents and increase noise and disturbance in the area. He informed Members of the Licensing Panel that parking issues had blighted this area for a long time and therefore requested that the Panel refuse the application, however should Members be minded to grant the application, Councillor Hayes proposed that a number of conditions be placed on the Premises Licence including notices on their website in respect of parking difficulties in the area, a reduction in the hours applied for, deliveries to take place during office hours and for the outside area to close at 4.30 pm.

Councillor Hayes responded to questions from Mr Nickson.

The local residents in attendance addressed the Panel and highlighted their concerns regarding the potential for increased traffic which would exacerbate existing problems of parking in the area and also expressed their concerns in respect of increased noise late into the night with people leaving the premises as the premises is situated in a residential area.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

The Licensing Panel had regard to the fact that the applicant advised that the premises would operate as a restaurant. The Panel took into account the fact that the current planning permission relating to these premises is that its primary use must be as a restaurant/café and not as a bar.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. Members of the Panel had regard to the comprehensive conditions put forward in the operating schedule which set out how the premises would be managed to uphold the licensing objectives.

In determining the matter, Members of the Licensing Panel had regard to Section 15 of their Licensing Policy which refers to premises situated in close proximity to residential accommodation.

The Licensing Panel noted the concerns of local residents in respect of parking, however, Members considered that this was not a relevant matter for them to consider when determining an application for licensable activities at these premises which already had planning permission to operate as a restaurant.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities.

Members of the Licensing Panel noted the willingness of the applicant to liaise directly with local residents in respect of any concerns that may arise and also his willingness to reduce the hours applied for.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of Contento Restaurant, 146 Belvidere Road, Wallasey be granted with the following hours:

Sale by Retail of Alcohol

Monday to Sunday 12:00 to 22:30

Hours Open to the Public

Monday to Sunday 12:00 to 23:00

(3) The application for Non-Standard Timings was refused.

(4) The patio terrace is to be excluded from the licensed area.

(3) That in addition to the conditions set out in the operating schedule, the following conditions be placed on the Premises Licence:

- No open drinking vessels, glasses or bottles may be taken beyond the delineated Licensed Area.**
- The premises must implement a dispersal policy which includes customers remaining inside the premises whilst waiting for taxis.**
- Deliveries may only take place at the premises between 09:00 and 17:00.**
- The collection of external waste bins from the premises may only take place between 09:00 and 17:00.**
- A notice must be published on the premises website to highlight the lack of parking provision in the area.**

Public Document Pack

LICENSING PANEL

Tuesday, 17 August 2021

Present: Councillors A Hodson (Chair)
D Burgess-Joyce
D Mitchell

5 APPOINTMENT OF CHAIR

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

6 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests, in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

7 APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - NO NAME BAR, 222 LISCARD ROAD, WALLASEY

The Director of Law and Governance reported upon an application that had been received from No Name Bar Limited for a Premises Licence in respect of No Name Bar, 222 Liscard Road, Wallasey.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application a representation had been received from local residents. The representation related to concerns of public nuisance being caused to local residents should the application be granted. A copy of the representation was available.

The applicant attended the meeting together with a friend. Members were advised that a local resident who had made the representation had intended

to attend the meeting however no reason had been provided as to why they were not in attendance.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The Chair advised that whilst the local resident who had made a representation was not in attendance at the meeting, Members of the Licensing Panel would consider their written representation when determining the application.

The Chair highlighted to the applicant that the terminal hour applied for the sale of alcohol was the same as the hours applied for the premises to be open to the public. The applicant then advised that they were content to amend the application to request that the premises be permitted to open from 9.00 am to 11.00 pm Monday to Saturday and from 10.00 am to 10.30 pm on Sunday with the sale of alcohol being permitted from 9.00 am to 10.30 pm Monday to Saturday and 10.00 am to 10.00 pm on Sunday.

The applicant advised Members of the Licensing Panel that they intended to operate a Vietnamese restaurant to provide a family atmosphere which would include the provision of outdoor seating in the garden area at the rear of the premises. The applicant informed the Panel that the music played at the premises would be background music only and that no music would be played in the outside area of the premises and provided details of the number of covers they intend to have in the restaurant.

In response to the concerns raised by a local resident regarding the premises being located in a residential area and the potential to cause a nuisance to local residents, the applicant provided details in respect of the use of the outside area and emphasised that they did not want to cause a nuisance to local residents.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and Mr D K Abraham, Legal Advisor to the Panel.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In determining the application, the Licensing Panel took into account that the current planning permission relating to these premises is that its primary use must be as a restaurant/café and not as a bar.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel had regard to the conditions put forward in the operating schedule which set out how the premises will be managed to uphold the licensing objectives. Members also noted the close proximity of local residents to the premises.

In determining the matter, Members of the Licensing Panel had regard to Section 15 of their Licensing Policy which refers to premises situated in close proximity to residential accommodation and in this regard gave particular consideration to the use of the outside area of the premises and deemed it appropriate to restrict the use of this area by imposing a condition.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of No Name Bar, 222 Liscard Road, Wallasey be granted with the following hours:

Sale by Retail of Alcohol

Monday to Saturday 09:00 to 22.30
Sunday 10:00 to 22:00
Hours Open to the Public

Monday to Saturday 09:00 to 23:00
Sunday 10:00 to 22:30

(3) That in addition to the conditions set out in the operating schedule, the following condition be placed on the Premises Licence:

- **The outside garden area must be cleared of customers consuming food and drink by 9.30 pm.**

Public Document Pack

LICENSING PANEL

Friday, 27 August 2021

Present: Councillors A Hodson (Chair)
D Burgess-Joyce
D Mitchell

8 APPOINTMENT OF CHAIR

Resolved – That Councillor A Hodson be appointed Chair for this meeting.

9 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

10 APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - CHARLIES BAR, 16 BEBINGTON ROAD, NEW FERRY.

The Director of Law and Governance reported upon an application that had been received from Charlynn Blackburn to vary a Premises Licence in respect of Charlie's Bar, 16 Bebington Road, New Ferry.

It was reported that the premises currently have a Premises Licence and the hours permitted under the current Premises Licence together with details of the application were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

Further to discussions with Merseyside Police, the hours requested for licensable activities and hours open to the public had been reduced by the applicant to those set out within the report. The applicant had also agreed to include a number of conditions proposed by Merseyside Police being placed on the Premises Licence should the application be granted.

In respect of the application a representation had been received from a local resident. The representation related to concerns of crime and disorder and public nuisance being caused to local residents should the application be granted. A copy of the representation was available.

The applicant attended the meeting together with her business partner. Members were advised that a local resident who had made the representation had been given statutory notice in respect of the hearing but was not in attendance.

The Licensing Manager confirmed that all documentation had been sent and received.

The Licensing Manager outlined the report.

The Chair advised that whilst the local resident who had made a representation was not in attendance at the meeting, Members of the Licensing Panel would consider their written representation when determining the application.

The applicant confirmed that further to discussions with Merseyside Police, the hours requested for licensable activities and hours open to the public had now been reduced to those set out within the report. The applicant further advised that they were content to accept conditions proposed by Merseyside Police should the application be granted.

The applicant informed the Panel that she implemented strict measures at the premises in order to control the type of clientele who attended and was also proactive in ensuring that alcohol was not served to individuals who are intoxicated. The applicant advised Members of the Licensing Panel that this was to prevent antisocial behaviour taking place within the premises. The Panel were made aware that the regular customers who attended the premises lived locally and that the purpose of extending the hours was to enable them to enjoy a night out without having to leave early to go to other premises.

In response to the concerns raised by a local resident regarding noise disturbance to residents from customers leaving the premises in the early hours, Members of the Panel asked the applicant whether she operated her business beyond the hours permitted by the current Premises Licence. The Panel were informed that this was not the case and that whilst customers do leave from the back of the premises, the reason for this was for them to access taxis that would not pick up from the front of the premises. The Panel were further informed that facilities are provided at the rear of the premises for customers wishing to smoke.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and Mr D K Abraham, Legal Advisor to the Panel.

It was highlighted to the applicant that the hours applied for to permit the sale of alcohol and provide live and recorded music were the same hours requested for the premises to be open to the public. Following a discussion, it was acknowledged by the applicant that there should be a lapse of time between the terminal hour for the sale of alcohol and the closing hours of the premises.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel had regard to the conditions agreed with Merseyside Police as well as those put forward in the operating schedule.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application to vary a Premises Licence in respect of Charlies Bar, 16 Bebington Road, New Ferry be granted with the following hours:

Sale by Retail of Alcohol

| | |
|----------------------------|-----------------------|
| Sunday to Thursday | 09:00 to 00:30 |
| Friday and Saturday | 09:00 to 01:30 |

Recorded Music

| | |
|----------------------------|-----------------------|
| Sunday to Thursday | 09:00 to 00:30 |
| Friday and Saturday | 09:00 to 01:30 |

Live Music

Sunday to Thursday 09:00 to 00:30
Friday and Saturday 09:00 to 01:30

Late Night Refreshment

Sunday to Thursday 23:00 to 00:30
Friday and Saturday 23:00 to 01:30

Hours Open to the Public

Sunday to Thursday 09:00 to 01:00
Friday and Saturday 09:00 to 02:00

Non Standard Timings (unchanged):

Sale by Retail of Alcohol

Boxing Day until 04:00
New Years Eve until 04:00

Hours Open to the Public

Boxing Day until 04:30
New Years Eve until 04:30

(3) That in addition to the conditions set out in the operating schedule, the following conditions proposed by Merseyside Police be placed on the Premises Licence:

- An incident book shall be maintained to record any activity of a violent, criminal or anti-social nature. The record will contain the time and date, the nature of the incident, the people involved, the action taken and details of the person responsible for the management of the premises at the time of the incident. The incident book shall be available for inspection at all reasonable times by an authorised officer of relevant responsible authority and/or Police Officer. The records will be retained for at least 12 months.**
- On Friday's and Saturday's there shall be a minimum of 1 SIA registered door**
- supervisor on duty from at least 1800 hrs. On Sunday to Thursday when licensable activities take place after midnight a door supervisor must be on duty. At all other times the premises licence holder/ designated premises supervisor shall risk assess the need of door staff. In all cases they shall remain on duty until the premises close. Door supervisors must clearly display their SIA badges at all times.**

- **The Premises Licence Holder and/or Designated Premises Supervisor shall ensure that the following details for each door supervisor are contemporaneously entered into a bound register kept for that purpose:**
 - (a) Full name,**
 - (b) SIA Certificate number and or badge number, or registration number of any accreditation scheme recognised by the Licensing Authority (including expiry date of that registration or accreditation),**
 - (c) The time they began their duty**
 - (d) The time they completed their duty**
 - (e) The full details of any agency through which they have been allocated to work at the premises if appropriate**
 - (f) The register shall be available at all reasonable times to an authorised officer of the Licensing Authority or Merseyside Police. This register is to be kept at the premises at all times and shall be so maintained as to enable an authorised officer or Merseyside Police to establish the particulars of all door supervisors engaged at the premises during the period of not less than 12 months prior to the request.**

- **CCTV shall be installed at the Premises in the form of a recordable system, capable of providing clear, good quality images in all lighting conditions. Cameras shall encompass all entrances and exits to the premises, any external seating or smoking areas, all areas where the sale, supply or consumption of alcohol occurs and all other areas where licensable activity takes place. Equipment shall be maintained in good working order and checked on a regular basis to ensure it displays the correct time and date. The system shall record in real time and operate whilst the premises are open to the public. The recordings shall be retained for a period of 31 days and made available to any authorised officer on reasonable request for evidential purposes, in accordance with Data Protection Legislation. The Recording equipment shall be kept in a secure environment under the control of the Premises Licence Holder or other responsible named individual. There shall be sufficient members of trained staff available to be able to download or view CCTV evidence with the minimum of delay at the reasonable request of an authorised officer. If the CCTV equipment (Including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure the Designated Premises Supervisor, or in his/her absence other responsible person, verbally informs the Licensing Authority as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority shall be informed when faults are rectified.**

LICENSING PANEL

Wednesday, 22 September 2021

Present:

Councillors D Burgess-Joyce
D Mitchell
C O'Hagan

11 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Burgess-Joyce be appointed Chair for this meeting.

12 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

13 **APPLICATION TO VARY A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - ANDRE'S, 140 BANKS ROAD, WEST KIRBY**

The Director of Law and Governance reported upon an application that had been received to vary a Premises Licence in respect of Andre's, 140 Banks Road, West Kirby.

It was reported that the premises currently has a Premises Licence and the hours permitted under the current Premises Licence together with details of the application were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

Further to discussions with Merseyside Police, the applicant had agreed to include a number of conditions being placed on the Premises Licence should the application be granted. Following discussions with the Licensing Authority, the applicant had also agreed to include conditions relating to the use of the outside areas of the premises as detailed within the report.

In respect of the application seven representations had been received from local residents. The representations related to public nuisance being caused to local residents from customers using the seating area outside of the premises. Copies of the representations were available.

The Designated Premises Supervisor attended the meeting together with the legal representative of the applicant. Three local residents were also in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and that written confirmation had been provided from the applicant for the Designated Premises Supervisor to speak on his behalf.

With the agreement of all parties, the applicant's legal representative submitted a number of letters in support of the application.

The Licensing Manager outlined the report.

The applicant's legal representative informed the Panel that the application to permit the sale of alcohol for consumption off the premises had been made in order to enable customers to consume alcohol in both the garden terrace area and on the pavement at the front of the premises which was subject to a Pavement Licence.

The applicant's legal representative advised Members that the front terrace was not used very often due to it being windy and there being a lot of foot traffic. They further advised that there was no intention to play music in the outside areas. Details were provided by way of average temperatures and times of sunsets from April to October to explain why the use of the outside areas may be limited at different times of the year and late at night. Details of the operational hours of other premises in the area were also provided.

The applicant's legal representative responded to questions from local residents, Members of the Licensing Panel and the Legal Advisor to the Panel.

In response to questions from local residents, Members were made aware that there are both heaters and sun shades situated within the garden terrace area and it was reiterated that the pavement area at the front of the premises is used less often than the garden terrace area.

The local residents in attendance at the meeting provided details of noise nuisance they had experienced caused by customers attending the premises, particularly after the easing of restrictions on licensed premises in April 2021 which resulted in local residents having to formally complain to the premises in July.

The local residents advised that their complaints related to noise being caused by customers in the outside areas of the premises at a late hour. They expressed concern regarding the lack of management of the outside areas resulting in the use of these areas beyond the permitted hours which had been causing a nuisance. They also expressed concern regarding the inconsistency of the timings permitted in the garden terrace and the pavement area at the front of the premises and believed that the times permitted for the use of the outside areas should be the same. Residents further submitted that they would like a commitment from the premises that the outside areas would be cleared within the permitted times and that they be compliant with any restrictions imposed on the Premises Licence.

In response to questions regarding a terminal hour for the use of the outside areas, residents advised that they considered 9.00 pm to be an appropriate terminal hour.

Members of the Panel were made aware of the planning restriction on the garden terrace which restricts the use of this area after 9.00 pm.

The local residents responded to questions from the applicant's legal representative and Members of the Panel.

In response to the representations made, it was submitted by the applicant's legal representative that they would be content for local residents to contact them by email or telephone to address any issues which may arise in the future.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In coming to their decision, Members gave consideration to the operation of the premises as a restaurant. Members had regard to the fact that residents were content for the outside areas to be used up until 9.00 pm.

Members also took into account the willingness of the applicant to liaise with local residents and address any concerns they may have.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police or Environmental Health.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application to vary a Premises Licence in respect of Andre's, 140 Banks Road, West Kirby to allow the consumption of alcohol both 'on' and 'off' the premises be granted.

(3) That in addition to the conditions set out in the operating schedule, the conditions proposed by Merseyside Police be placed on the Premises Licence.

(4) That the following conditions also be placed on the Premises Licence:

- No customers are permitted to consume food or drink in the outside areas of the premises beyond 9.00 pm. For the avoidance of doubt this includes the garden terrace area adjoining Church Road and the area at the front of the premises on Banks Road.**

LICENSING PANEL

Friday, 24 September 2021

Present:

Councillors D Burgess-Joyce
D Mitchell
S Williams

14 **APPOINTMENT OF CHAIR**

Resolved – That Councillor D Burgess-Joyce be appointed Chair for this meeting.

15 **MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members of the Panel were asked to declare any disclosable pecuniary and non pecuniary interests in connection with any application on the agenda and state the nature of the interest.

No such declarations were made.

16 **10.00 AM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - GO LOCAL EXTRA, 209-211 SEABANK ROAD, NEW BRIGHTON**

The Director of Law and Governance reported upon an application that had been received from Jaswinder Singh for a Premises Licence in respect of Go Local Extra, 209-211 Seabank Road, New Brighton.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application, the same representation had been submitted individually by 46 local residents and three different representations had been received from other local residents. The representations related to concerns of additional anti-social behaviour and noise nuisance being caused to local residents should the application be granted. The representations also made reference to potential issues relating to parking, litter and underage drinking

as well as the cumulative impact of licensed premises. Copies of the representations were available.

The applicant attended the meeting together with his wife and their solicitor. Members were advised that although notice had been served on all those who had made a representation, only two people had responded to confirm they would not be in attendance.

The Licensing Manager confirmed that all documentation had been sent and received and also that the same representation had been submitted by 46 individual residents together with three separate representations.

The Licensing Manager outlined the report.

The applicant's representative reported that the application had been made as the premises had been refurbished from a former post office into a local convenience store selling groceries with a defined area for the sale and supply of alcohol in order that customers may purchase alcohol when they buy their groceries.

The applicant's representative outlined how the business would be operated and the measures that would be put in place to promote the four licensing objectives. He advised that the applicant had undertaken relevant training in respect of the sale of alcohol which included but was not limited to the measures that should be put in place in order to prevent underage sales. It was also reported that should they employ any other staff in the future they would also undertake appropriate training in respect of the sale of alcohol.

Members of the Panel referred to the concerns raised by the local residents of additional crime, anti-social behaviour and noise nuisance being caused to local residents should the application be granted as well as concerns relating to proxy sales, underage drinking and the fact that the application was to sell alcohol from 7.00 am.

In response to the representations made, Members of the Panel were advised that the applicant would be willing to modify the application to sell alcohol from 8.00 am. The applicant's representative reported that the applicant had 10 years' experience working in this type of premises and took their responsibilities in respect of preventing underage sales and proxy sales very seriously as they would not want any anti-social behaviour to be caused by the operation of their premises.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and the Legal Advisor to the Panel.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. Members of the Licensing Panel also took into account the conditions put forward in the operating schedule.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of Go Local Extra, 209-211 Seabank Road, New Brighton be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 08:00 to 22.00

Hours Open to the Public

Sunday to Saturday 07:00 to 22:00

(3) That in addition to the conditions set out in the operating schedule, the following conditions be placed on the Premises Licence:

- 1. All staff must undertake the following training before being allowed to sell alcohol:**
 - Award for Licensed Premises staff**
 - Age Verification Course**
 - Level 2 Award for Underage Sales Prevention**

2. Evidence of this training must be provided to an Authorised Officer on request.

17 **2.00 PM APPLICATION FOR A PREMISES LICENCE UNDER THE PROVISIONS OF THE LICENSING ACT 2003 - WETHERSPOON, 1-5 THE MOUNT, HESWALL**

The Director of Law and Governance reported upon an application that had been received from JD Wetherspoon plc for a Premises Licence in respect of Wetherspoon, 1-5 The Mount, Heswall.

It was reported that the premises do not currently have a Premises Licence. The hours applied for were set out within the report.

The applicant had submitted an operating schedule setting out how the business would be conducted/managed in accordance with the four licensing objectives. A copy of the full application was available. Members were advised that the proposals set out in the operating schedule may become conditions of the licence should the application be granted.

In respect of the application, a representation had been received from a local resident. The representation related to concerns that anti-social behaviour and noise disturbance would be caused by customers of the premises should the application be granted. A copy of the representation was available.

The Head of the Legal Department from JD Wetherspoon plc attended the meeting together with the General Manager. Members were advised that the local resident who had made a representation was unable to attend the meeting.

The Licensing Manager confirmed that all documentation had been sent and received and also that further to discussions with Merseyside Police the applicant had agreed to a number of conditions to be attached to the Premises Licence should the application be granted.

The Licensing Manager outlined the report.

The applicant reported that these premises previously had a Premises Licence, however, this had been surrendered prior to their occupation of the building. Members of the Licensing Panel were advised that the previous Premises Licence allowed for more extensive licensable activities and longer hours than the application that had been submitted and that this application was less extensive and would accord with the planning permission granted to the premises.

The applicant set out the business model of the premises which was in line with the standard JD Wetherspoon plc offer, that being a food led business

offering breakfasts and a variety of food menus throughout the day. Members of the Licensing Panel were informed that there would be no provision for music or entertainment at the premises.

The applicant further advised that following discussions with Merseyside Police they had agreed to include a number of conditions to be placed on the Premises Licence should the application be granted which included but was not limited to conditions relating to staff training, the provision of CCTV and a Challenge 21 Policy.

The Members of the Licensing Panel referred to the concerns raised by the local resident in their representation.

Further to the general concerns raised, the applicant emphasised that they did not want to cause a nuisance to local residents and provided details in respect of how the premises would be managed in order to prevent this which included the use of body cams and radio communication between staff to prevent potential problems arising. Members were informed that the staff who worked at the premises were employed by JD Wetherspoon plc and therefore undergo a lengthy induction process and also receive updated training every 6 months. The applicant further advised that JD Wetherspoon plc attracted a broad customer base which they aimed to manage responsibly to prevent anti-social behaviour from customers when leaving the premises. In response to the concerns raised regarding the sale of alcohol and the potential for an increase in anti-social behaviour within Heswall should alcohol be served from 9.00 am, the applicant advised that the alcohol offer was very limited at that time in the morning.

The applicant responded to questions from Members of the Licensing Panel, the Licensing Manager and the Legal Advisor to the Panel.

The applicant acknowledged that the operation of these premises in the past had caused problems for local residents and gave assurances that JD Wetherspoon plc would work with residents to address any concerns that may arise in the future.

In determining the application Members of the Licensing Panel had regard to the Licensing Objectives, the Council's Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Licensing Act 2003.

In coming to their decision, Members gave consideration to the assurances provided by the applicant that the premises would be managed in such a way as to prevent any nuisance being caused to local residents. The Panel had regard to the conditions put forward in the operating schedule and those that had been agreed with Merseyside Police which set out how the premises would be managed to uphold the licensing objectives.

Members also took into account the willingness of the applicant to liaise with local residents and Merseyside Police.

In determining the application Members also had regard to the fact that there were no representations from any of the Responsible Authorities, in particular Merseyside Police.

Members also took into account Section 11 of the Guidance in respect of the review mechanism provided by the Licensing Act 2003 when problems associated with the Licensing Objectives occur after the grant of a Premises Licence.

Resolved –

(1) That in accordance with Regulation 14(2) of the Licensing Act 2003, the public be excluded from the meeting during consideration of the application.

(2) That the application for a Premises Licence in respect of Wetherspoon, 1-5 The Mount, Heswall be granted with the following hours:

Sale by Retail of Alcohol

Sunday to Saturday 09:00 to 23.00

Hours Open to the Public

Sunday to Saturday 09:00 to 23:30



LICENSING ACT COMMITTEE

24 NOVEMBER 2021

| | |
|---------------------|--|
| REPORT TITLE | DRAFT STATEMENT OF POLICY UNDER THE GAMBLING ACT 2005 |
| REPORT OF | DIRECTOR OF LAW AND GOVERNANCE |

REPORT SUMMARY

The purpose of this report is for the Committee to recommend to Council the approval of the draft Statement of Policy under the Gambling Act 2005.

This matter affects all Wards within the Borough.

RECOMMENDATION/S

It is recommended that the draft Statement of Policy attached in Appendix 1 to this report be recommended for approval by Council.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 It is a statutory requirement for the Council to review and consult upon a revised Statement of Policy under the Gambling Act 2005 every three years. The current policy was last approved in December 2018 and therefore in order to comply with statutory requirements the review of this policy must be completed no later than December 2021. It is therefore proposed that a revised Statement of Policy is presented to Council for approval on 6 December 2021.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 The Committee direct officers to make amendments to the revised draft policy before it is submitted to Council for approval on 6 December 2021.
- 2.2 The Committee do not approve the amendments made to the current policy as detailed in paragraph 3.3 and direct officers to present the current policy to Council for approval on 6 December 2021 with no amendments. This however is not considered to be appropriate due to the risks presented in paragraph 7.2 of this report.

3.0 BACKGROUND INFORMATION

- 3.1 The Gambling Act 2005 requires the Council to prepare and publish a statement of the principles to be applied when exercising its functions under the Gambling Act 2005. The Statement of Principles is referred to in this report as the Council's Statement of Policy. It is a requirement that this policy document be reviewed every three years.
- 3.2 The Council's Statement of Policy was first published in December 2006 and has been subject to a review every 3 years since that date. Each review has been consulted upon and subsequently recommended to Council for approval by this Committee.
- 3.3 Following a review of the current Statement of Policy, proposed amendments have been made to the Statement of Policy. These amendments are highlighted in red in the revised draft Statement of Policy attached in Appendix 1 to this report and are summarised below:
- Updates to contact details, committee and panel
 - Reference to the withholding of personal details
 - Additional section on test purchasing and age verification
 - The Licensing Authority's role in remote gambling
 - Further information in respect of who can apply for a licence and the information required
 - Additional information relating to the protection of children and vulnerable adults
 - The meaning of 'available for use'
- 3.4 The draft Statement of Policy has been circulated for consultation to a number of consultees and has been publicised on the Council's website. A list of consultees is

attached in Appendix 2 to this report. The consultation period commenced on 1 October 2021 and closes on 18 November 2021.

- 3.5 At the time of writing this report no comments have been received in response to the consultation. Should any comments be received before the close of the consultation period these comments will be presented at the meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The costs incurred in undertaking this consultation will be recovered from licence fees.

5.0 LEGAL IMPLICATIONS

- 5.1 Section 349 of the Gambling Act 2005 places a duty on the Licensing Authority to undertake a review of its Statement of Policy every three years. In accordance with section 154 of the Gambling Act 2005 this function cannot be delegated to the Licensing Act Committee and must therefore be approved by Council. In accordance with this requirement a revised policy must be published no later than December 2021.

6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS

- 6.1 The work undertaken to review the Statement of Policy and undertake the consultation has been undertaken within existing resources.

7.0 RELEVANT RISKS

- 7.1 There is a risk that the Council could be open to challenge if the current policy is not reviewed and republished within the statutory timescale without sufficient justification as to why this is the case.
- 7.2 If the proposed amendments to the Statement of Policy summarised in paragraph 3.3 of this report are not approved it is considered that the policy would not include relevant additional information which it is considered will further assist licence holders and those seeking licences or permissions to comply with the requirements of the Gambling Act 2005
- 7.3 Should the Council not adopt the proposed amendments which relate to children and vulnerable adults it may put them at a higher risk of harm from gambling.

8.0 ENGAGEMENT/CONSULTATION

- 8.1 The guiding principles for a fair consultation can be summarised as follows:
- It should be at a time when proposals are at a formative stage
 - Must include sufficient reasons for particular proposals to allow those consulted to give intelligent consideration and an intelligent response
 - Those consulted should be made aware of the factors that are of decisive relevance to the decision
 - Adequate time should be given for consideration and response

- The product of the consultation should be conscientiously taken into account by the decision makers in finalising their statutory proposals when the ultimate decision is taken

8.2 Consultation has taken place with statutory consultees and those bodies listed in Appendix 2 of this report.

9.0 EQUALITY IMPLICATIONS

9.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

Yes. The impact review is attached.

10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

10.1 There are none arising from the content of this report.

11.0 COMMUNITY WEALTH IMPLICATIONS

11.1 The Licensing Authority has a duty to ensure that gambling is undertaken in a fair and open way and that children and vulnerable adults are protected from being harmed or exploited by gambling. The Statement of Policy sets out the principles to be applied in exercising its functions under the Gambling Act 2005 to achieve these objectives.

REPORT AUTHOR: Margaret O'Donnell
Licensing Manager
email: margaretodonnell@wirral.gov.uk

APPENDICES

Appendix 1 – Draft Statement of Policy

Appendix 2 – List of Consultees

BACKGROUND PAPERS

The Gambling Commission Guidance to Licensing Authorities.

SUBJECT HISTORY (last 3 years)

| Council Meeting | Date |
|------------------------------|------------------|
| Council | 10 December 2018 |
| Licensing Act 2003 Committee | 17 October 2018 |

Equality Impact Assessment Toolkit

(April 2014)

Section 1: Your details

EIA lead Officer: Margaret O'Donnell

Email address: margaretodonnell@wirral.gov.uk

Head of Section: Vicki Shaw

Chief Officer: Director of Law and Governance

Directorate: Law and Governance

Date: 3 November 2021

Section 2: What Council proposal is being assessed?

Review of Statement of Policy in respect of Gambling

Section 2a: Will this EIA be submitted to a Cabinet or Policy & Performance Committee?

Yes /No If 'yes' please state which meeting and what date

Licensing Act 2003 Committee – 24 November 2021

Regeneration & Environment (Environment & Regulation, Housing & Community Safety, Regeneration)

<http://bit.ly/regenEIA>

Section 3: Does the proposal have the potential to affect..... (please tick relevant boxes)

- Services**
- The workforce**
- Communities**
- Other** (please state eg: Partners, Private Sector, Voluntary & Community Sector)

If you have ticked one or more of above, please go to section 4.

- None** (please stop here and email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing)

Section 4:

Could the proposal have a positive or negative impact on any protected groups (race, gender, disability, gender reassignment, age, pregnancy and maternity, religion and belief, sexual orientation, marriage and civil partnership)?

You may also want to consider socio-economic status of individuals.

Please list in the table below and include actions required to mitigate any potential negative impact.

| Which group(s) of people could be affected | Potential positive or negative impact | Action required to mitigate any potential negative impact | Lead person | Timescale | Resource implications |
|---|--|---|--------------------|------------------|------------------------------|
| All | The Policy recognises the potential for negative impact of gambling and sets out the parameters to ensure legal compliance and how the licensing objectives under the Gambling Act 2005 should not be undermined | Applications for licences under the Gambling Act 2005 are subject to consultation and any negative impact could be considered by a Licensing Act 2003 Sub-Committee | Margaret O'Donnell | Ongoing | With current staff resources |

Section 4a: Where and how will the above actions be monitored?

Through the Licence application process

Section 4b: If you think there is no negative impact, what is your reasoning behind this?

Section 5: What research / data / information have you used in support of this process?

Section 6: Are you intending to carry out any consultation with regard to this Council proposal?

Yes

If 'yes' please continue to section 8.

If 'no' please state your reason(s) why:

(please stop here and email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing)

Section 7: How will consultation take place and by when?

Wide consultation was undertaken between 1 October 2021 to 18 November 2021, details of which can be found within the report to the Licensing Act 2003 Committee on 24 November 2021.

Before you complete your consultation, please email your preliminary EIA to engage@wirral.gov.uk via your Chief Officer in order for the Council to ensure it is meeting it's legal publishing requirements. The EIA will need to be published with a note saying we are awaiting outcomes from a consultation exercise.

Once you have completed your consultation, please review your actions in section 4. Then email this form to your Chief Officer who needs to email it to engage@wirral.gov.uk for publishing.

Section 8: Have you remembered to:

- a) **Select appropriate directorate hyperlink to where your EIA is/will be published (section 2a)**
- b) **Include any potential positive impacts as well as negative impacts? (section 4)**
- c) **Send this EIA to engage@wirral.gov.uk via your Chief Officer?**
- d) **Review section 4 once consultation has taken place and sent your updated EIA to engage@wirral.gov.uk via your Chief Officer for re-publishing?**

This page is intentionally left blank

Statement of Policy

Gambling Act 2005

2021

**Wirral Licensing Authority
Town Hall
Brighton Street
Wallasey
CH44 8ED**

0151 691 8043

Table of Contents

| Item | Page No. |
|---|-----------------|
| The Licensing Objectives | 1 |
| Introduction | 2 |
| Declaration | 4 |
| Responsible Authorities | 4 |
| Interested Parties | 5 |
| Exchange of Information | 6 |
| Test Purchasing and Age Verification | 8 |
| Local Authority Compliance Events (LACE) | 9 |
| Local Risk Assessment | 9 |
| Local Area Profile | 10 |
| Licensing Authority Functions | 10 |
| Allocation of Decision Making Responsibilities | 11 |
| Premises Licences | 12 |
| Plan of Premises | 12 |
| Premises 'ready for gambling' | 16 |
| Location | 16 |
| Planning and Building Control | 17 |
| Duplication with other regulatory regimes | 17 |
| Licensing Objectives | 17 |
| Conditions | 20 |
| Door Supervisors | 22 |
| Gaming Machines | 22 |
| Adult Gaming Centres | 24 |
| Licensed Family Entertainment Centres | 25 |
| Casinos | 26 |
| Bingo Premises | 26 |
| Bingo in Clubs and Alcohol Licensed Premises | 27 |
| Betting Premises | 27 |
| Travelling Fairs | 29 |
| Provisional Statements | 29 |
| Reviews | 30 |
| Unlicensed Family Entertainment Centre gaming machine permits | 33 |
| Premises Licensed to Sell Alcohol | 34 |
| Prize Gaming Permits | 35 |
| Application for Club Gaming and Club Machines Permits | 36 |
| Temporary Use Notices | 39 |
| Occasional Use Notices | 41 |

APPENDICES:

Appendix A - Scheme of Delegation

Appendix B – Consultees

Appendix C – Responsible Authorities

Appendix D – Summary of gaming machine categories and entitlements

Appendix E – Summary of machine provisions by premises

The Licensing Objectives

In exercising most of their functions under the Gambling Act 2005, (The Act) Wirral Borough Council as the Licensing Authority must have regard to the following Licensing Objectives:

- Preventing gambling from being a source of crime and disorder, being associated with crime and 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

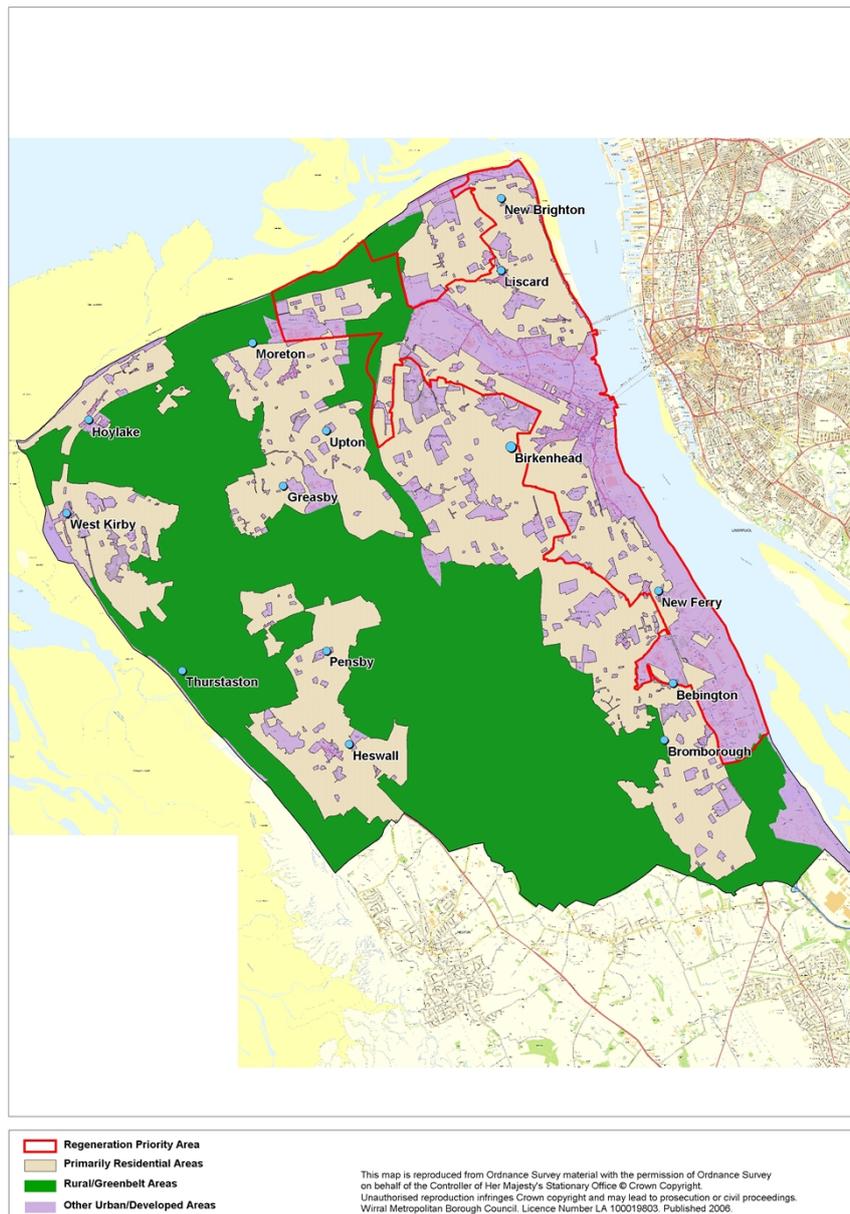
It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

This Licensing Authority is aware that in accordance with Section 153 of the Gambling Act 2005, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises so far as it thinks it is:

- In accordance with any relevant Code of Practice issued by the Gambling Commission
- In accordance with any relevant Guidance issued by the Gambling Commission
- Reasonably consistent with the Licensing Objectives in accordance with the Licensing Authority’s Statement of Licensing Policy.

1.0 Introduction

- 1.1 Wirral Borough Council is situated in the County of Merseyside, which contains no district Councils, but 5 metropolitan councils: Knowsley, Liverpool, Sefton, St Helens and Wirral. The Council area has a population of **319,800** **324,011** (ONS 2010 midyear population estimates) making it the second largest after Liverpool in the County in terms of population. In terms of area it is the largest in Merseyside, covering 60.1 square miles. The Borough is mainly urban in outlook, with 32.85 square miles (54.66% of the borough) covered in Residential, Industrial or Commercial buildings.



The key provided identifies the urban / rural areas as well as regeneration priority areas.

- 1.2 Licensing Authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The

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

1.3 The Gambling Act 2005 requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority’s area
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority’s functions under the Gambling Act 2005

1.4 A list of the persons that the Council sent this document to for consultation is illustrated at Appendix B.

1.5 The draft will be circulated to consultees and additional copies will be available on our web site www.wirral.gov.uk ~~as well as at the Town Hall, Brighton Street, Wallasey, Wirral, CH44 8ED.~~

1.6 Consultees were advised to send any comments to:

Wirral Licensing Authority
Town Hall
Brighton Street
Wallasey
Wirral
CH44 8ED

Email: licensing@wirral.gov.uk

The closing date for comments on the draft policy statement is ~~14 September 2018~~ 18 November 2021. The feedback from the consultation will be presented to the Licensing Act 2003 Committee on 25 November 2021 and the policy will be presented for approval at the Council meeting on 6 December 2021.

1.7 It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

1.8 In determining this policy, the Licensing Authority has had regard to the ‘Guidance issued to Licensing Authorities’ issued by the Gambling Commission. In determining what weight to give to particular representations, the factors to be taken into account will include:

- who is making the representations (what is their interest or expertise)
- relevance of the factors to the Licensing Objectives

- how many other people have expressed the same or similar views
- how far the representations relate to matters that the Licensing Authority should be including in its policy statement.

2.0 Declaration

2.1 In producing the final statement, this Licensing Authority has had regard to the Licensing Objectives of the Gambling Act 2005, the Guidance issued by the Gambling Commission, the Licensing Conditions and Codes of Practice and any responses from those consulted on the statement.

3.0 Responsible Authorities

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

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

3.2 In accordance with the suggestion in the Gambling Commission's Guidance for Local Authorities, this Authority designates the Wirral Safeguarding Children **Board Partnership** for this purpose as a Responsible Authority.

3.3 Safeguarding children is a key priority for Wirral Council, and the Licensing Authority expects all licensees to have strict control measures in place to mitigate any risks to underage gambling.

3.4 The Responsible Authorities under the Gambling Act 2005 are:

- Licensing, Wirral Borough Council
- The Gambling Commission
- The Chief Constable, Merseyside Police
- Merseyside Fire and Rescue Authority
- Planning, Wirral Borough Council
- Environmental Health, Wirral Borough Council
- Wirral Safeguarding Children **Board Partnership**
- H.M. Revenue & Customs (HMRC)

Subject to any other person being prescribed in Regulations by the Secretary of State. The contact addresses for these Authorities are illustrated at Appendix C.

4.0 Interested Parties

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

“For the purposes of this Part a person is an Interested Party in relation to an application for or in respect of a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the 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 paragraph (a) or (b)

4.2 The Licensing Authority is required by regulations to state the principles we will apply in exercising our powers under the Gambling Act 2005 to determine whether a person is an Interested Party.

4.3 When determining what ‘significantly close to the premises’ means the Licensing Authority will take into account:

- the size of the premises
- the nature of the premises
- the distance of the premises from the location of the person making the representation
- the potential impact of the premises such as the number of customers, routes likely to be taken by those visiting the establishment
- the circumstances of the person who lives close to the premises. This is not the personal characteristics of the complainant, but their interests which may be relevant to the distance from the premises

The Licensing Authority may determine that ‘sufficiently close to be likely to be affected’ could have a different meaning for (a) a private resident, (b) a residential school for children with truanting problems, and (c) a residential hostel for vulnerable adults.

4.4 In determining whether there is a business interest the Licensing Authority will take into consideration the size of the premises, the catchment area of the premises and whether the person making the representation has a business interest in that catchment area that could be affected. The nature and scope of business interest that could be affected will also be taken into consideration.

- 4.5 In considering whether there is a business interest the Licensing Authority will consider business interests in its widest possible interpretation, to include partnerships, charities, faith groups and medical practices.
- 4.6 Interested parties can be persons who are democratically elected such as Councillors, M.P.'s etc. No specific evidence of being asked to represent an interested party will be required as long as the Councillor / M.P. etc. represents the Ward likely to be affected. Save for democratically elected persons, other representations may include bodies such as trade associations and trade unions, and residents' and tenants' associations. A School Head or Governor might act in representing the interests of pupils or parents and a community group might represent vulnerable people living near to the premises. This Authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.
- 4.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Authority at the Town Hall, Brighton Street, Wallasey, CH44 8ED or by emailing licensing@wirral.gov.uk.

5.0 Exchange of Information

- 5.1 The Licensing Authority recognises that shared regulation depends on effective partnership and collaborations. The exchange of information between the Commission and Licensing Authorities is an important aspect of that and to the benefit of both. Licensing Authorities play a particular role in sharing information about gambling activity at a local level, which is important for the Commission's overarching view of gambling activity, not least because that enables the Commission to identify risks and feed information and intelligence back to licensing authorities. It also enables the Commission to fulfil its duty to advise the Secretary of State about the incidence of gambling and the manner in which it is conducted.

Section 29 of The Gambling Act 2005 enables the Commission to require information from Licensing Authorities, including the manner in which the information is compiled, collated and the form in which it is provided, providing that it:

- forms part of a register maintained under the Act
- is in the possession of the Licensing Authority in connection with a provision of the Act.

- 5.2 This Licensing Authority will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes compliance with the General Data Protection Regulations. We will also have regard to any Guidance issued by the Gambling Commission to Local Authorities on this

matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

5.3 Section 350 of The Gambling Act 2005 allows Licensing Authorities to exchange information with other persons or bodies for use in the exercise of functions under the Act. Those persons or bodies are listed in Schedule 6(1) as:

- a Constable or Police Force
- an Enforcement Officer
- a Licensing Authority
- HMRC
- the First Tier Tribunal
- the Secretary of State
- ~~Scottish Ministers.~~

5.4 As a Licensing Authority we will maintain data on Premises Licences. As part of the application process for a premises licence, applicants will forward notice of the application to the Commission, and we will subsequently notify the Commission of the outcome of each application, whether it is granted or refused. The Act also requires Licensing Authorities to notify the Commission of other matters such as when a licence has lapsed or been surrendered, and the cancellation of certain permits and registrations. Under s.29 of the Act, the Commission has identified further information requirements that it is necessary for Licensing Authorities to provide, which form part of the Licensing Authority Return in the Single Data List.

5.5 Should any protocols be established as regards information exchange with other bodies then they will be made available.

5.6 ~~The details of individuals or interested parties making representations in respect of applications for or a review of a licence will be shared with applicants and licence holders respectively as well as the Licensing Panel considering such applications. In exceptional circumstances, persons making representations to the Licensing Authority may be reluctant to do so because of fears of intimidation if their personal details such as name and address are divulged to the applicant or licence holder. Should the Licensing Authority receive notification from such persons making representations that this is the case the Licensing Authority may withhold some or all of the person's personal details, giving minimal details such as street name or general location.~~

6.0 Compliance Role

6.1 Licensing Authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the Authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under Section 346 of the Act to institute criminal proceedings in respect of the offences specified.

6.2 This Licensing Authority's principles are that it will be guided by the Gambling Commission's Guidance for Local Authorities and will apply the principles of good regulation in accordance with the principles of better regulation and the

Regulators' Code. In accordance with the Regulators Code, this Authority aims to support businesses and individuals to comply with the law and grow within the Borough. The Licensing Authority understands that regulatory activity can have cost implications on businesses. We will undertake such activity to minimise the negative economic impact of this work where possible, choosing proportionate and effective approaches to regulation. This means that inspections and enforcement activities will be undertaken in accordance with the following principles:

- Proportionate: We will only intervene when necessary: remedies will be appropriate to the risk posed, and costs identified and minimised
- Accountable: We will justify our decisions and be subject to public scrutiny
- Consistent: Rules and standards will be joined up and implemented fairly
- Transparent: We will be open and transparent and keep regulations simple and user friendly
- Targeted: Regulation will be focused on the problem, and minimise side effects

6.3 In accordance with the Gambling Commission's Guidance for Local Authorities this Licensing Authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

6.4 This Licensing Authority will target high risk premises which require greater attention and will operate a lighter touch in respect of low risk premises. The criteria the Licensing Authority will use to determine the level of risk will include;

- The Licensing Objectives
- Relevant Codes of Practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of Licensing Policy

6.5 The main enforcement and compliance role for this Licensing Authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission will be the Enforcement Body for Operating and Personal Licences. Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Licensing Authority but will be notified to the Gambling Commission.

7.0 Test purchasing and age verification

7.1 Test purchasing is one method by which either the Gambling Commission or Licensing Authorities may measure the compliance of licensed operators or groups of licensed operators, with aspects of the Gambling Act 2005 subject to Primary Authority (PA) arrangements.

- 7.2 The Licensing Authority will consult with operators in the first instance where we have concerns about the underage access and or age verification policies of a particular business. This will enable the Licensing Authority to identify what programmes are in place to manage the business risk and take these into account in planning any test purchase exercise.
- 7.3 The Licensing Authority will consult with the Gambling Commission before planning a test purchase exercise in order to ensure that there is no conflict between any ongoing investigation or enforcement activity related to either the premises or the operator. However, irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.
- 7.4 The Licensing Authority will follow current guidance in relation to the sale of age restricted products in order to ensure that tests are carried out in a manner that is risk-based and fair, with due regard to the welfare of young people involved in the test purchasing.
- 7.5 The Licensing Authority will share any test purchasing results with the Gambling Commission.
- 8.0 Local Authority Compliance Events (LACE)**
- 8.1 In order to make the system of shared regulation as effective and efficient as possible, the Commission notifies Licensing Authorities of complaints and intelligence received regarding non-compliance and illegality in their geographical area which is primarily of a localised nature. These are referred to as Local Authority Compliance Events (LACE). The responsibility for the LACE referral is then discharged from the Commission to the Licensing Authority. Licensing Authorities are requested to advise the Commission of what, if any, action is taken.
- 8.2 The complaints that instigate the LACE referrals come from a variety of sources including licensed operators and members of the public. A number of them are received anonymously via the [Commission's intelligence line](#).
- 6.6 ~~Bearing in mind the principle of transparency, this Licensing Authority's enforcement/compliance protocols/written agreements are available upon request at the Licensing Department, Town Hall, Brighton Street, Wallasey CH44 8ED and on the Council Website – www.wirral.gov.uk.~~
- 6.7 In accordance with the Regulators Code this Licensing Authority has produced an Enforcement Policy which is available ~~upon request at the Licensing Department, Town Hall, Brighton Street, Wallasey CH44 8ED and~~ on the Council Website – www.wirral.gov.uk.
- 9.0 Local Risk Assessment**
- 9.1 The social responsibility code requires licensees to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to

mitigate those risks. In undertaking their risk assessments, it is expected that premises located in Wirral will have regard to Local Insight Wirral which is an online tool providing detailed area profiles of Wirral. It can be found online within this link <https://wirral.communityinsight.org/>.

- 9.2 Applicants are required to undertake a local risk assessment when applying for a new premises licence. Risk assessment must also be updated:
- when applying for a variation of a premises licence
 - to take account of significant changes in local circumstances, which may be highlighted in the Local Insight Wirral tool which is updated on a monthly basis
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks.
- 9.3 The social responsibility provision is supplemented by an ordinary code provision that requires Licence Holders to share their risk assessment with Licensing Authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority.

10.0 Local Area Profile

- 10.1 Wirral Council has developed its own assessment of the local environment and has mapped out the key characteristics of the local areas. This assessment which applicants can use to have a better understanding of a particular area can be found online within this link: <https://wirral.communityinsight.org/>.
- 10.2 For example, an area might be identified as high risk on the basis that it is located within close proximity to a youth centre, rehabilitation centre, or school. In these circumstances, the Licensing Authority would expect licence holders to take appropriate steps to ensure that they have sufficient controls in place to mitigate associated risks in such areas and, if not, the licensing authority would consider other controls themselves.
- 10.3 The Licensing Authority will expect operators and new applicants to use the local area profiles to inform of specific risks that operators will need to address in the risk assessments which will form part of any new licence application, or an application to vary a licence.

11.0 Licensing Authority Functions

- 11.1 Licensing Authorities are required under the Act to:
- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
 - Issue Provisional Statements

- Regulate Members' Clubs and Miners' Welfare Institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- Register Small Society Lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued
- Maintain registers of the permits and licences that are issued under these functions

11.2 It should be noted that the Licensing Authority is not involved in licensing remote gambling. This will fall to the Gambling Commission via operating licences. We will engage with the Gambling Commission where necessary on this issue and refer any intelligence or concerns raised in respect of such activity, in particular harm being caused to children or vulnerable persons within the Borough.

12.0 Allocation of Decision Making Responsibilities

12.1 The Licensing Authority is involved in a wide range of licensing decisions and functions which will be administered by the Licensing Act 2003 Committee and **Sub-Committees Licensing Panels** thereof.

12.2 Many of the decisions and functions will be purely administrative in nature and the grant of non-contentious applications, including for example, those licences and permits where no representations have been made, is delegated to Council Officers.

12.3 The table shown at Appendix A sets out the agreed delegation of decisions and functions to the Licensing Act 2003 Committee, **Sub-Committees Licensing Panels** and Officers. This form of delegation is without prejudice to an Officer referring an application to a Sub-Committee, a full Committee, or to

full Council, if considered appropriate in the circumstances of any particular case.

- 12.4 The Licensing Authority's decision making process will be informed by the local area profile and will have particular regard to the proximity of gambling premises to schools, vulnerable adult centres, residential areas where there is a high concentration of families with children and areas of the Borough that are particularly attractive to children such as New Brighton.
- 12.5 Each application will be decided on its merits taking into consideration how the applicant can demonstrate that they can overcome concerns that the Licensing Objectives may not be met.

13.0 Premises Licences

General Principles

- 13.1 An application for a premises licence may only be made by persons (which includes companies or partnerships):
- who are aged 18 or over **and**
 - who have the right to occupy the premises **and**
 - who have an operating licence which allows them to carry out the proposed activity. Details of operators that hold an operating licence are available on the Commission's website **or**
 - who have applied for an operating licence to allow them to carry out the proposed activity. The premises licence cannot be determined until an operating licence has been issued.
- 13.2 The exception to this is an applicant for a premises licence to allow a track to be used for betting, as these applicants are not required to hold an operating licence if they are merely providing space for other people to provide betting (and those other people hold valid betting operating licences). However, if a track owner is also acting as a betting operator, for example, running pool betting, they will have to have the relevant type of operating licence.
- 13.3 An application must be made to the relevant licensing authority in the form prescribed in regulations laid down by the Secretary of State and must be accompanied by:
- the prescribed fee
 - the prescribed documents namely a plan of the premises – the plan needs to be to scale, however, a specific scale has not been prescribed.

Plans of premises

- 13.4 The Gambling Act 2005 (Premises Licences and Provisional Statements) Regulation 2007(as amended) states that a plan must show:

- the extent of the boundary or perimeter of the premises
- where the premises include, or consist of, one or more buildings, the location of any external or internal walls of each such building
- where the premises form part of a building, the location of any external or internal walls of the building which are included in the premises
- where the premises are a vessel or a part of a vessel, the location of any part of the sides of the vessel, and of any internal walls of the vessel, which are included in the premises
- the location of each point of entry to and exit from the premises, including in each case a description of the place from which entry is made or to which the exit leads.

13.5 The Regulation states (other than in respect of a track) ‘...the plan must show the location and extent of any part of the premises which will be used to provide facilities for gambling in reliance on the licence’. This Licensing Authority expects plans to show the location of any gaming machines and indicate the line of sight to supervising staff or CCTV. Should the Licensing Authority consider that there is insufficient detail provided on the plan we may ask for further information.

13.6 The premises plan itself is only one means by which the Licensing Authority may seek reassurance that the requirements will be met. It may be that conditions attached to the premises licence regarding lines of sight between the counter and the gaming machines, staffing arrangements or security devices are a more effective method of doing so. Local circumstances and concerns, and the layout of a particular premises, will determine what is most appropriate for an individual application.

13.7 Premises Licences are subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions which are detailed in Regulations issued by the Secretary of State.

13.8 The Licensing Authority **are is** able to exclude default conditions and also attach other conditions, where we believe it to be appropriate.

13.9 This Licensing Authority is aware that in making decisions about premises licences we should aim to permit the use of premises for gambling in so far as we think it is:

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant Guidance issued by the Gambling Commission
- Reasonably consistent with the Licensing Objectives
- In accordance with this Statement of Licensing Policy

The Licensing Authority will not take into consideration whether there is demand for a particular gambling premises when making it's decision.

- 13.10 It is appreciated that gambling can be an emotive subject but acknowledge that in accordance with Gambling Commission Guidance for Local Authorities, “moral objections to gambling are not a valid reason to reject applications for premises licences”.
- 13.11 Representations made in respect of applications should be based on the Licensing Objectives as set out at Page 1 of this Policy. It is important to note that the Licensing Objectives are different to those set out in The Licensing Act 2003 and do not include the prevention of public nuisance or public safety.
- 13.12 Premises is defined in the Act as “any place”. Different premises licences cannot apply in respect of a single premises at different times. It is however possible for a single building to be subject to more than one premises licence, providing that each licence is for a different part of the building and such different parts can be properly regarded as different premises.
- 13.13 The Licensing Authority will judge each case on its individual merits to decide as a matter of fact, whether different parts of a building can be properly regarded as being separate premises.
- 13.14 The Gambling Commission, in their guidance, do not consider that areas of a building that are artificially or temporarily separate for examples by ropes or movable partitions, can be properly regarded as different premises. This Licensing Authority supports this view.
- 13.15 The location of the premises will clearly be an important consideration and a significant factor that the Licensing Authority will consider is whether the premises are genuinely separate premises that merit their own licence and are not artificially created part of what is readily identifiable as a single premises. The suitability of the division is likely to be a matter for discussion between the operator and the Licensing Officer. As stated above areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, will not properly be regarded as different premises.
- 13.16 The Licensing Authority make particular note of the Gambling Commission’s “Guidance to Licensing Authorities” which states that: Licensing Authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:
- The third Licensing Objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
 - Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises without a permit.

- Customers should be able to participate in the activity named on the premises licence.

13.17 In determining whether premises are truly separate the Licensing Authority will consider the following factors:

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

13.18 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. The precise nature of this public area will depend on the location and nature of the premises. As a Licensing Authority we will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available.

13.19 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations 9 sets out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to those under the age of 18 years and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into Family Entertainment Centres (FEC), tracks, pubs and some bingo clubs, so access is allowed between these types of premises.

13.20 The relevant access provisions for each premises type is as follows:

| Type of Premises | Access Provisions |
|----------------------------|---|
| Casinos | <ul style="list-style-type: none"> • the principal entrance to the premises must be from a 'street' • no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons • no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence. |
| Adult Gaming Centres (AGC) | <ul style="list-style-type: none"> • no customer must be able to access the premises directly from any other licensed gambling premises |
| Betting Shops | <ul style="list-style-type: none"> • access must be from a 'street' or from other premises with a betting premises licence • no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from |

| | |
|-------------------------------------|--|
| | a shop of any kind unless that shop is itself a licensed betting premises. |
| Tracks | <ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino or AGC |
| Bingo Premises | <ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track |
| Family Entertainment Centres | <ul style="list-style-type: none"> • no customer must be able to access the premises directly from a casino, an AGC or a betting premises, other than a track. |

13.21 This Authority will consider the above requirement and other relevant factors in making its decision, depending on all the circumstances of the case.

14.0 Premises “ready for gambling”

14.1 The Guidance states that a Licence to use premises for gambling should only be issued in relation to premises that the Licensing Authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

14.2 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made. It is recognised however, by this Authority that Operators can apply for a Premises Licence in respect of premises which have still to be constructed or altered.

In these circumstances where there are outstanding construction or alteration works in respect of a premises, this Authority will determine applications on their merits, applying a two stage consideration process:-

- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place

14.3 Applicants should note that this Authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

15.0 Location

15.1 This Licensing Authority is aware that demand issues cannot be considered in relation to the location of premises but that considerations made in terms of the Licensing Objectives can be considered.

15.2 The Licensing Authority, in accordance with the Gambling Commission’s “Guidance for Local Authorities”, 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.

15.3 This Authority has not adopted any specific policy in relation to areas where gambling premises should not be located. Should any such policy be decided upon regarding such areas where gambling premises should not be located, this policy statement will be updated.

15.4 It should be noted that any such future policy will not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how any potential concerns can be overcome.

16.0 Planning and Building Control

16.1 In determining applications the Licensing Authority will undertake its duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, in effect those not related to gambling and the Licensing Objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

16.2 When dealing with a Premises Licence application for finished buildings, the Licensing Authority will not take into account whether those buildings have or comply with the necessary planning or building consents. Nor will fire or health and safety risks be taken into account. Those matters should be dealt with under relevant Planning and Building Control and other regulations, and will not form part of the consideration for the Premises Licence. Section 210 of the 2005 Act prevents Licensing Authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to Planning or Building Control.

17.0 Duplication with other Regulatory Regimes

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

18.0 Licensing Objectives

18.1 Premises Licences granted must be reasonably consistent with the Licensing Objectives. With regard to these Objectives, this Licensing Authority has considered the Gambling Commission's Guidance to Local Authorities and some comments are made below.

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

This Licensing Authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that the Licensing

Authority should pay attention to the proposed location of gambling premises in terms of this Licensing Objective. Therefore, where an area has known high levels of organised crime, we will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable, such as, the provision of door supervisors. Responsible Authorities would however have the right to make representation with regard to such premises.

18.3 The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether Police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction. It should be noted that prevention of nuisance is not a Gambling Act Licensing Objective.

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

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

18.5 **Ensuring that gambling is conducted in a fair and open way.**

This Licensing Authority is aware that the Gambling Commission has stated that it would generally not expect Licensing Authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed by the Operator and Personal licensing system.

18.6 Should this Licensing Authority suspect that gambling is not being conducted in a fair and open way this will be brought to the attention of the Gambling Commission.

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

18.8 Section 45 of The Gambling Act 2005 (the Act) provides the following definition for child and young adult:

Meaning of “child” and “young person”

(a) In this Act “child” means an individual who is less than 16 years old.

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

For the purpose of this section protection of children will encompass both child and young person as defined by the Act.

18.9 The Licensing Authority expects premises to be vigilant in preventing access to gambling by children where it is prohibited for them to take part in any form of gambling. The Licensing Authority will therefore have particular regard to whether staff are able to adequately supervise premises to prevent underage gambling.

18.10 Appropriate measures may include supervision of access points, segregation of areas, the provision of CCTV, the use of floor walkers, the position of counters etc. The Licensing Authority will consider the proportionality of changes to the physical layout in relation to other measure that can be put in place.

If the operator fails to satisfy this Licensing Authority that the risks to underage gambling are sufficiently mitigated in premises that are operating, it may be appropriate to conduct a review of the Premises Licence.

18.11 In reference to the term “vulnerable persons” we note that the Gambling Commission or statute law does not seek to offer a definition but the Commission states that “it will for regulatory purposes assume that this group includes:

- People who gamble more than they want to
- People who gamble beyond their means
- People who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or substance misuse relating to alcohol or drugs. ~~alcohol or drugs”.~~

18.12 This Licensing Authority will consider the promotion of this Licensing Objective on a common sense, case by case basis. This Licensing Authority will interpret vulnerable persons in its widest possible concept and does not limit the definition to individuals who participate in gambling but recognises that it may include individuals who are affected by those who gamble, for example, children of adults who gamble beyond their means. This will be reflected in the local area profile and will be balanced with the legal requirement to aim to permit the use of premises for gambling. Whilst there is a presumption in favour of permitting the relevant premises to be used for gambling, this Licensing Authority may not do so unless satisfied that such use would be in accordance with the Guidance to Licensing Authorities, any relevant Commission Code of Practice, its own statement of Licensing Policy, and the Licensing Objectives. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

18.13 Applicants should familiarise themselves with their Operator Licence conditions and codes of practice relating to this objective and determine if their policies and procedures are appropriate and robust to protect children and vulnerable adults being harmed from gambling. The Licensing Authority will

communicate any concerns about any absence of this required information to the Gambling Commission

18.14 Applicants should consider the following measures for protecting and supporting vulnerable persons, some of which form part of the mandatory conditions placed on premises licences.

- The provision of leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet, such as toilets
- Training for staff members which focuses on building an employee's ability to maintain a sense of awareness of how much (e.g. how long) customers are gambling, as part of measures to detect persons who may be vulnerable.
- Trained personnel for the purpose of identifying and providing support to vulnerable persons
- Self-exclusion schemes - Social Responsibility Code Provision 3.5.6 requires that all non-remote casino and bingo and betting licences (except those at a track) and holders of gaming machine general operating licences for adult gaming centres must offer self-exclusion schemes to customers requesting such a facility.-
- Operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
- Posters with GamCare helpline and website in prominent locations
- Windows, entrances and advertisements to be positioned or designed not to entice under 18's to enter the premises
- Ensure the separation of premises is not compromised

18.15 The Licensing Authority may consider any of the above or similar measures as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant.

19.0 Conditions

19.1 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
- Reasonable in all other respects

19.2 Decisions upon individual conditions will be made on a case by case basis, although there will be a number of measures this Licensing Authority will consider utilising, should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas etc. There are specific

comments made in this regard under some of the licence types below. This Licensing Authority will also expect the Licence Applicant to offer his/her own suggestions as to ways in which the Licensing Objectives can be met effectively.

- 19.3 This Licensing Authority will also consider specific measures which may be required for buildings which are subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the Licensing Objectives. These matters are in accordance with the Gambling Commission's Guidance.
- 19.4 This Authority will also ensure that where category C or above machines are on offer in premises to which children are admitted:
- All such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance
 - Only adults are admitted to the area where these machines are located
 - Access to the area where the machines are located is supervised
 - The area where these machines are located is arranged so that it can be observed by the staff or the licence holder
 - At the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18 years
- 19.5 These considerations will apply to premises including buildings where multiple premises licences are applicable.
- 19.6 It is noted that there are conditions which the Licensing Authority cannot attach to Premises Licences, they 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)
 - Conditions in relation to stakes, fees, winning or prizes

20.0 Door Supervisors

- 20.1 The Gambling Commission advises in its “Guidance to Licensing Authorities” that if a Licensing Authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.
- 20.2 Where it is decided that supervision of entrances/machines is appropriate for particular cases, a consideration of whether these need to be SIA licensed or not will be necessary. It will not be automatically assumed that they need to be licensed, as the statutory requirements for different types of premises vary (as per the Guidance, Part 33).

20.0 Gaming Machines

- 21.1 Section 235(1) of the Gambling Act 2005 sets out the definition of a gaming machine. The definition is wider than those included in previous gambling legislation and covers all types of gambling activity that can take place on a machine, including betting on virtual events. However, the following should be noted:
- there remains a distinction between skill machines and gaming machines, in that skill machines are unregulated
 - Section 235(2) of the Gambling Act 2005 contains important exemptions for equipment that is not to be considered a gaming machine, even when gambling can be performed on it – for example, a home PC is not classed as a gaming machine, even though someone could access remote gambling facilities on a home PC.
- 21.2 The Gambling Commission is responsible for licensing manufacturers and suppliers of gaming machines and advises operators to obtain machines from Commission-licensed suppliers. Similarly, permit holders and those applying for permits for clubs, alcohol-licensed premises or family entertainment centres will also be advised through Commission guidance to obtain gaming machines from Commission-licensed suppliers.
- 21.3 In order for a premises to site gaming machines some form of authorisation is normally required. Typically this is:
- An operating licence from the Commission and a gambling premises licence from the Licensing Authority
 - An alcohol Premises Licence from the Licensing Authority
 - A gaming machine permit from the Licensing Authority.
- 21.4 Depending on the authorisation, there are limits placed on the category of machines that can be sited and, in some cases, on the number of machines that can be made available for use.

- 21.5 Section 172 of the Gambling Act 2005 prescribes the number and category of gaming machines that are permitted in each type of gambling premises licensed by authorities. Neither the Commission nor Licensing Authorities have the power to set different limits or further expand or restrict the categories of machine that are permitted. The exception to this is alcohol-licensed premises that hold gaming machine permits, where licensing authorities have discretion to specify the number of permitted gaming machines. In addition, limits are set separately in the Act for certain types of permit issued by Licensing Authorities. **The summary of gaming machine categories and entitlements are at Appendix D.**
- 21.6 Regulations define four categories of gaming machines, A, B, C and D, with category B divided into a further five sub-categories. The categories and sub-categories have been defined according to the maximum amount that can be paid for playing the machine and the maximum prize it can deliver. Gaming machines which are capable of being used as a gaming machine, whether or not they are currently operating as a gaming machine, are classified as a gaming machine. For example, a machine fitted with a compensator, which allows it to be converted from a skill machine is classified as a gaming machine.
- 21.7 There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A gaming machines offering lottery style games. However there is no minimum age for players of category D machines. The holder of any permit or Premises Licence has to comply with the codes of practice issued by the Commission on the location of and access to gaming machines by children and young persons, and the separation from category C and B machines where those are also located on the same premises.
- 21.8 The maximum number of machines permitted to be available for use is set out by premises type in Appendix E.

The meaning of 'available for use'

- 21.9 Section 242 of the Gambling Act 2005 makes it an offence for a person to make a gaming machine available for use, where they do not hold an operating licence or other permission covering gaming machines and where no other exemption applies.
- 21.10 The Gambling Act 2005 does not define what 'available for use' means, but the Gambling Commission considers that a gaming machine is 'available for use' if a person can take steps to play it without the assistance of the operator.
- 21.11 There may be more than the permitted number of machines physically located on a premises but the onus is on licensees to demonstrate that no more than the permitted number are 'available for use' at any one time.
- 21.12 A machine that can operate at more than one category, which is operating at a lower category, does not contribute to the number of machines 'available for use' at a higher category until it switches to that category. Licensees must

ensure no more than the permitted number are 'available for use' at any one time.

21.13 Systems in which a number of machines are networked so that the player can select which game and category they play are permitted but licensees must still adhere to any restrictions on the number of machines at a certain category.

21.14 The Gambling Commission updated their available for use guidance in 2019 to make it clear that for the purpose of calculating the category B machine entitlement in gambling premises, gaming machines should only be counted if they can be played simultaneously by different players without physical hindrance. For example, the Gambling Commission would consider that a multi-position machine that technically allows two or more players to play simultaneously but in reality requires those players to stand very closely together or adopt unnatural participation positions, to the effect that a second player would be discouraged from attempting to use the machine, could not be classed as two or more machines.

21.15 In relation to tablets, licensees should ensure that there is sufficient floorspace in the premises to permit counted tablets to be used simultaneously.

21.16 Electronic Bingo Terminals (EBTs) that offer gaming machine content in addition to bingo content are gaming machines and subject to adherence with the above principles. Licensees are reminded however that an EBT must only allow participation in one gambling activity at a time and should not therefore contain functionality which allows participation in bingo and gaming machine activity simultaneously.

22.0 Adult Gaming Centres

22.1 This Licensing Authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect an applicant to satisfy the Authority that there will be sufficient measures to ensure that persons under the age of 18 **years** do not have access to the premises.

22.2 This Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives, appropriate measures or licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry

- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

23.0 Licensed Family Entertainment Centres

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

23.2 This Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives, appropriate measures / licence conditions may cover issues such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

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

23.3 This Licensing Authority will, in accordance with the Gambling Commission's guidance, refer to the Commission to see any conditions that apply to Operating Licences covering the way in which the area containing the category C machines should be delineated. This Licensing Authority will also

make itself aware of any mandatory or default conditions on these premises licences as well as the requirements under the Social Responsibility Code.

24.0 Casinos

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

25.0 Bingo Premises

25.1 This Licensing Authority notes that the Gambling Commission's Guidance states:

18.5 Licensing Authorities will need to satisfy themselves that Bingo can be played in any bingo premises for which they issue a Premises Licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

25.2 Children and young people are allowed into bingo premises; however they are not permitted to participate in the Bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

25.3 This Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives, appropriate measures or licence conditions may cover issues such as:

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

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

- 25.4 If the Licensing Authority receives an application to vary a Premises Licence for bingo or betting in order to extend the opening hours, the Authority will need to satisfy itself that the reason for the application is in line with the requirements on primary gambling activity (i.e. the need for operating licence holders to ensure that the gambling activity appropriate to the licence type ('the primary activity' or 'the principal activity') is actually offered at those premises and not replaced by the making available of gaming machines). Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is ancillary to the primary activity of the premises, namely betting or bingo.

26.0 Bingo in Clubs and Alcohol Licensed Premises

- 26.1 Bingo will be permitted on Alcohol Licensed Premises, and in Clubs and Miners' Welfare Institutes, under the allowances for exempt gaming in Part 12 of the Act. Where the level of Bingo played in these premises, under the exempt gaming allowances, reaches a certain threshold, it will no longer be authorised by these allowances, and a Bingo Operating Licence will have to be obtained from the Commission for future Bingo games. The aim of these provisions is to prevent Bingo becoming a predominant commercial activity on such non-gambling premises.
- 26.2 The threshold is that if the bingo played during any seven-day period exceeds £2,000 (either in money taken or prizes awarded) once a year, referred to as "high turnover Bingo". There is a legal duty on the licensee or club to inform the Commission if at any point its bingo in any seven-day period exceeds this threshold. That allows the Commission to monitor the bingo activity on the premises, and discuss with the relevant licensee or club the point at which a Bingo Operating Licence may be needed. A 'high turnover period' begins with the first day of the seven day period in which the threshold was exceeded and lasts for a year. If a second period of high turnover Bingo occurs within that year, a Bingo Operating Licence will be required. Where bingo is played in a Members Club under a Bingo Operating Licence no premises licence will be required.
- 26.3 The Commission will be informed if it comes to the attention of this Licensing Authority that alcohol-licensed premises or clubs or institutes are playing bingo during the course of a week which involves significant stakes and prizes, which makes it possible that the £2,000 in seven days is being exceeded.

27.0 Betting Premises

- 27.1 **Betting machines** This Licensing Authority will, in accordance with the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 years to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

27.2 This Licensing Authority will expect applicants to offer their own measures to meet the Licensing Objectives, appropriate measures or licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Location of entry
- Notices/signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

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

27.3 It is not permissible for an operator to offer gaming machines on a premises which is licensed for non-remote betting but not to offer sufficient facilities for non-remote betting. A non-remote betting operating licence authorises its holder to 'provide facilities for betting' (s.65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for 'the provision of facilities for betting...' (s.150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (s.172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.

27.4 This Licensing Authority supports the Commission's view that it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises.

27.5 Accordingly, an Operating Licence condition provides that gaming machines may be made available for use in Licensed Betting Premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.

27.6 Self Service Betting Terminals (SSBTs)

- 27.7 The Gambling Act 2005 provides that a SSBT is not a gaming machine if it is designated or adapted for use to bet on future real events. However, where a machine is made available to take bets on virtual races (that is, results and/or images generated by computer to resemble races or other events) that machine is a gaming machine and counts towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.
- 27.8 The legislation provides licensing authorities with the power to restrict the number of SSBTs, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence. When considering whether to impose a condition to restrict the number of SSBTs in particular premises, the licensing authority, amongst other things, will take into account the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.

28.0 Travelling Fairs

- 28.1 This Licensing Authority is responsible for deciding whether, where category D machines and/or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 28.2 This Licensing Authority will also consider whether the applicant falls within the statutory definition of a travelling fair.
- 28.3 It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. This Licensing Authority will work with its neighbouring Authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

29.0 Provisional Statements

- 29.1 Developers may wish to apply to this Authority for Provisional Statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a Premises Licence. There is no need for the applicant to hold an Operating Licence in order to apply for a provisional statement.
- 29.2 Section 204 of the Gambling Act provides for a person to make an application to the Licensing Authority for a provisional statement in respect of premises that he or she:
- expects to be constructed;
 - expects to be altered; or
 - expects to acquire a right to occupy.

- 29.3 The process for considering an application for a provisional statement is the same as that for a Premises Licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible Authorities and interested parties may make representations and there are rights of appeal.
- 29.4 In contrast to the Premises Licence application, the applicant does not have to hold or have applied for an Operating Licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their Provisional application is made.
- 29.5 The holder of a Provisional Statement may then apply for a Premises Licence once the premises are constructed, altered or acquired. The Licensing Authority will be constrained in the matters it can consider when determining the Premises Licence application, and in terms of representations about Premises Licence applications that follow the grant of a Provisional Statement, no further representations from 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.
- 29.6 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 Statement stage;
 - which in the Authority's opinion reflect a change in the operator's circumstances; or
 - where the Premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this Licensing Authority notes that it can discuss any concerns it has with the applicant before making a decision.

30.0 Reviews

- 30.1 Requests for a review of a Premises Licence can be made by interested parties or Responsible Authorities, or may be initiated by the Licensing Authority.
- 30.2 The 'aim to permit' framework provides wide scope for Licensing Authorities to review Premises Licences where there is an inherent conflict with the Commission's codes of practice and this Guidance, the licensing objectives or the licensing authorities own policy statement.
- 30.3 In relation to a class of premises, we may review the use made of premises and, in particular, the arrangements that Premises Licence holders have made to comply with licence conditions. In relation to these general reviews, it is

likely that we will be acting as a result of concerns or complaints about particular types of premises or following an inspection of a premises which may result in them looking at, for example, default conditions that apply to that category of licence.

- 30.4 In relation to particular premises, we may review any matter connected with the use made of the premises if:
- we have reason to suspect that premises licence conditions are not being observed
 - the premises is operating outside of the principles set out in the Licensing Authority's Policy Statement
 - there is evidence to suggest that compliance with the Licensing Objectives is at risk
 - for any other reason which gives us cause to believe that a Review may be appropriate, such as a complaint from a third party.
- 30.5 In particular, the Licensing Authority may also initiate a review of a Premises Licence on the grounds that a Premises Licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 30.6 A formal review would normally be at the end of a process of ensuring compliance by the operator(s) which might include an initial investigation by a Licensing Authority Officer, informal mediation or dispute resolution. If the concerns are not resolved then, after a formal review, the Licensing Authority
- 30.7 The determination of whether a review should be carried out will give consideration to the following in respect of whether the way in which the premises is operating is:
- In accordance with any relevant Code of Practice issued by the Gambling Commission
 - In accordance with any relevant guidance issued by the Gambling Commission
 - Reasonably consistent with the Licensing Objectives
 - In accordance with the Authority's Statement of Principles
- 30.8 The Licensing Authority will also take into consideration whether the request is either frivolous, vexatious or would certainly not cause this Authority to wish to alter/revoke/suspend the Licence. The Licensing Authority will also consider whether the representations made in the application for a Review are substantially the same as previous representations or requests for Review. In determining this matter, the Licensing Authority will take into account how much time has passed since any earlier application for a Review or since the Licence was granted.

- 30.9 The Licensing Authority can also initiate a Review of a Licence on the basis of any reason which it thinks is appropriate.
- 30.10 Once a valid application for a Review has been received by the Licensing Authority, representations can be made by Responsible Authorities and Interested Parties during a 28 day period. This period begins 7 days after the application was received by the Licensing Authority, who will publish notice of the application within 7 days of receipt.
- 30.11 The Licensing Authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 30.12 The purpose of the review will be to determine whether the Licensing Authority should take any action in relation to the Licence. If action is justified, the options open to the Licensing Authority are to:-
- (a) add, remove or amend a licence condition imposed by the Licensing Authority;
 - (b) exclude a default condition imposed by the Secretary of State ~~or Scottish Ministers~~ (e.g. opening hours) or remove or amend such an exclusion;
 - (c) suspend the premises licence for a period not exceeding three months; ~~and or~~
 - (d) revoke the premises licence.
- 30.13 In determining what action, if any, should be taken following a review, the Licensing Authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

Once the review has been completed, the Licensing Authority must, as soon as possible, notify its decision to:

- the Licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the Chief Officer of Police or Chief Constable; and
- Her Majesty's Commissioners for Revenue and Customs

PERMITS/TEMPORARY AND OCCASIONAL USE NOTICE

31.0 Unlicensed Family Entertainment Centre Gaming Machine Permits.

- 31.1 Unlicensed family entertainment centres (UFEC) are able to offer only category D machines in reliance on a Gaming Machine Permit. Any number of category D machines can be made available with such a permit, although there may be other considerations, such as Fire Regulations and health and safety, to take into account. Permits cannot be issued in respect of vessels or vehicles.
- 31.2 UFECs are premises which are 'wholly or mainly' used for making gaming machines available. The permit cannot therefore be granted for an entire shopping centre, airport or bowling alley, for example.
- 31.3 A permit lapses if the Licensing Authority informs the permit holder that the premises are not being used as a Family Entertainment Centre (FEC).
- 31.4 If the operator wishes to make category C machines available in addition to category D machines, the Operator will need to apply for a 'Gaming Machine General Operating Licence (Family Entertainment Centre)' from the Commission and a premises licence from the licensing authority.
- 31.5 The Gambling Commission's Guidance states: ".....An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the Chief Officer of Police has been consulted on the application. In accordance with the Guidance, this Licensing Authority will expect applicants to demonstrate:
- A full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs
 - That an applicant has no relevant convictions, those that are set out in Schedule 7 of the Act
 - That staff are trained to have a full understanding of the maximum stakes and prizes
- 31.6 We note that a Licensing Authority can grant or refuse a licence but cannot attach conditions to this type of permit.
- 31.7 This Licensing Authority will expect the applicant to submit a plan of the premises and 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.
- 31.8 The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children

being on the premises, or children causing perceived problems on / around the premises.

32.0 Premises Licensed to Sell Alcohol

Automatic Entitlement: 2 Machines

32.1 There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the Licensing Authority. The Licensing Authority can remove the automatic authorisation in respect of any particular premises if:

- The person ceases to be the holder of the on-premises alcohol licence for the premises, the automatic entitlement to the two gaming machines also ceases. Whoever applies for the new premises alcohol licence would also need to apply under section 282(2), notifying the Licensing Authority of their intention to make the gaming machines available for use and paying the prescribed fee
- 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 for example the gaming machines have been made available that do not comply with requirements on the location and operation of gaming machines
- The premises are mainly used for gaming
- An offence under the Gambling Act has been committed on the premises

Permit: 3 or more machines

32.2 If a Premises Licence Holder wishes to have more than 2 machines, then they need to apply for a permit and the Licensing Authority must consider that application based upon the Licensing Objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “*such matters as they think relevant.*”

32.3 This Licensing Authority considers that “such matters” will be decided on a case by case basis, but generally there will be regard to the need to protect children and vulnerable persons from being harmed or being exploited by gambling and will expect the applicant to satisfy the Authority that there will be sufficient measures to ensure that persons under the age of 18 **years** do not have access to the adult only gaming machines.

32.4 Measures which will satisfy the Authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18 **years**. Notices and signage on the machines or in the premises may also help and are encouraged by this Authority. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

- 32.5 It is recognised that some alcohol licensed premises may apply for a Premises Licence for their non-alcohol licensed areas. Any such application would normally need to be applied for, and dealt with as an Adult Gaming Centre Premises Licence.
- 32.6 It should be noted that we as the Licensing 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 to a permit.
- 32.7 It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine(s).
- 32.8 The Licensing Authority is able to cancel a permit. It may only do so in specified circumstances which include if the premises are used wholly or mainly by children or young persons or if an offence under the Act has been committed. Before it cancels a permit the Licensing Authority must notify the holder, giving 21 days notice of intention to cancel, consider any representations made by the holder, hold a hearing if requested, and comply with any other prescribed requirements relating to the procedure to be followed. Where the Licensing Authority cancels the permit, the cancellation does not take effect until the period for appealing against that decision has elapsed or, where an appeal is made, until the appeal is determined.

33.0 Prize Gaming Permits

- 33.1 A Prize Gaming Permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.
- 33.2 An applicant for a Prize Gaming Permit should set out the types of gaming that he or she is intending to offer, a plan of the premises and the applicant should be able to demonstrate:
- That they understand the limits to stakes and prizes that are set out in Regulations
 - That the gaming offered is within the law
 - Clear policies that outline the steps to be taken to protect children from harm.
- 33.3 In making its decision on an application for this type of permit the Licensing Authority does not need, but may, have regard to the Licensing Objectives but must have regard to any Gambling Commission Guidance. The Licensing Authority will consult the **Wirral Safeguarding Children Board Partnership** where it considers it appropriate to do so.
- 33.4 It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the Licensing Authority cannot attach conditions. The conditions in the Act are:

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

34.0 Application for Club Gaming and Club Machines Permits

34.1 The Licensing Authority may only refuse an application on the grounds that:

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

34.2 If the Authority is satisfied that either or the first two points is the case, it must refuse the application. Licensing Authorities shall have regard to relevant guidance issued by the Commission and subject to that guidance, the Licensing Objectives.

34.3 In cases where an objection has been lodged by the Commission or Merseyside Police, the Licensing Authority is obliged to determine whether the objection is valid.

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

34.5 As the Gambling Commission's Guidance for Local Authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the Police and the grounds upon which an Authority can

refuse a permit are reduced" and "The grounds on which an application under the process may be refused are:

- That the Club is established primarily for gaming, other than gaming prescribed by Regulations under Section 266 of the Gambling Act 2005.
- That in addition to the prescribed gaming, the applicant provides facilities for other gaming.
- That a Club Gaming Permit or Club Machine Permit issued to the applicant in the last ten years has been cancelled."

34.6 Club Gaming Permit

34.7 The Licensing Authority will seek to satisfy itself that the Club meets the requirements of the Act to obtain a Club Gaming Permit. Therefore applicants will be asked to supply sufficient information and documents to enable the Licensing Authority to determine whether the Club is a genuine Members Club.

34.8 In determining whether a club is a genuine Members' Club, the Licensing Authority will take account of a number of matters, such as:

- Is the primary purpose of the club's activities something other than the provision of gaming to its members?
- Are the profits retained in the Club for the benefit of the members?
- Are there 25 or more members?
- Are there genuine domestic addresses on the register of members? Are domestic addresses listed for every member? Are members local to the club?
- Do members participate in the activities of the club via the internet?
- What information is provided on the Club's website?
- Do guest arrangements link a member to every guest? Is there evidence of a signing-in register for guests?
- Is the 48 hour rule between applying for membership and participating in any gaming properly applied?
- Are there annual accounts for more than one year?
- How is the Club advertised and listed in directories, including on the internet?
- Are children permitted into the Club?
- Does the Club have a Constitution and can it provide evidence that the Constitution was approved by the members of the Club?

- Is there a list of committee members and evidence of their election by the members of the Club? Can the Club provide minutes of committee and other meetings?

34.9 The Constitution of the Club could also indicate whether it is a legitimate Members' Club. Amongst the things the Authority will consider when examining the constitution are the following:

- Who makes commercial decisions on behalf of the Club and what are the governance arrangements? Clubs are normally run by a Committee made up of members of the Club, rather than individuals or managers, who make decisions on behalf of the members. There will normally be a system (consultation, voting, paper ballots, annual general meetings, special meetings, etc) which allows members to be involved in major decisions concerning the management and running of the Club. Such arrangements would normally be spelt out in the Constitution
- Are the aims of the Club set out in the Constitution? A lack of aims or aims which involve gaming could indicate that it is not a genuine Members' Club
- Are there shareholders or members? Shareholders would indicate a business enterprise linked to a Commercial Club
- Is the Members' Club permanently established? Clubs can't be temporary and must be permanent in nature
- Can people join with annual or quarterly membership? This would indicate that the Club is permanent in nature
- Are there long term membership benefits? This would also indicate that the Club is permanent in nature and that it is a genuine Members' Club. The benefits of membership would normally be set out in the rules of membership.

34.10 Other than Bridge and Whist Clubs, which are separately catered for in Regulations, a Club cannot be established wholly or mainly for purposes of gaming. In applying for a Club Gaming Permit, a Club must therefore provide substantial evidence of activities other than gaming. Questions that the Licensing Authority will consider include:

- How many nights is gaming made available?
- Is the gaming advertised?
- What are the stakes and prizes offered?
- Is there evidence of leagues with weekly/monthly/annual winners?
- Is there evidence of non-playing members?
- Are there teaching sessions to promote gaming, such as poker?

- Is there tie-in with other Clubs offering gaming, such as poker, through tournaments or leagues?
- Is there sponsorship by gaming organisations, for example on-line poker providers?
- Are participation fees within limits?

The Authority will undertake a visit to the premises before granting of the permit to assist the Licensing Officer to understand how the club will operate.

34.11 Club Machine Permit

34.12 The Licensing Authority will seek to satisfy itself that the gaming on offer meets the conditions set out in the Act and relevant regulations. To do this, the Licensing Authority will ask questions of the applicant or ensure that the exempt gaming complies with these conditions. The conditions are:

- There must be no rake from the pot (that is, the organiser cannot take any money from the prize fund, or deduct money from the stakes or winnings). Licensing Authorities should examine the records for gaming or, if possible, observe or get statements about the pot.
- There must be no side bets. This is probably only going to be possible to verify through observations.
- Participation fees must be within the limits prescribed in the Regulations. Is there evidence of excess participation fees in Club records, adverts for gaming in or outside of the club or from complaints?
- Prizes must be within the limits prescribed in the Regulations. Is there evidence that they are excessive from records at the Club, in adverts for gaming, etc?
- Where the games are poker tournaments or leagues, the Licensing Authority will consult part 29 of the Guidance which sets out how the law applies to Poker. This should help the Licensing Authority to determine whether the gaming is within the law from evidence such as records in the club and adverts for gaming.

35.0 Temporary Use Notices

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

35.2 The Licensing Authority can only grant a Temporary Use Notice to a person or company holding a relevant Operating Licence, i.e. a non-remote casino operating licence.

- 35.3 The Gambling Act 2005 (Temporary Use Notices) Regulations 2007 sets out the restrictions on the type of gambling to be offered under a Temporary Use Notice. These restrictions are:
- it can only be used to offer gambling of a form authorised by the operator's Operating Licence, and consideration should therefore be given as to whether the form of gambling being offered on the premises will be remote, non-remote, or both
 - gambling under a Temporary Use Notice may only be made available on a maximum of 21 days in any 12 month period for any or all of a named set of premises
 - it can only be used to permit the provision of facilities for equal chance gaming, and where the gaming in each tournament is intended to produce a single overall winner
 - gaming machines may not be made available under a Temporary Use Notice
- 35.4 A Temporary Use Notice must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. A fee is payable to the Licensing Authority to whom the notification is sent. The application must be copied to:
- the Commission
 - the Police
 - HM Commissioners for Revenue and Customs
 - if applicable, any other Licensing Authority in whose area the premises are also situated
- 35.5 The person who is giving the Temporary Use Notice must ensure that the notice and copies are with the recipients within seven days of the date of the notice.
- 35.6 The Licensing Authority and the other bodies to which the notice is copied should consider whether they wish to give a notice of objection. In considering whether to do so, they must have regard to the Licensing Objectives and if they consider that the gambling should not take place, or only with modifications, they must give a notice of objection to the person who gave the Temporary Use Notice. Such a notice must be copied to the Licensing Authority. The Notice of Objection and the copy to the Licensing Authority must be given within 14 days, beginning with the date on which the Temporary Use Notice is given. An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.
- 35.7 If objections are received, the Licensing Authority must hold a hearing to listen to representations from the person who gave the Temporary Use Notice, all the objectors and any person who was entitled to receive a copy of the notice. If all the participants agree that a hearing is unnecessary, it may be dispensed with.

35.8 This Licensing Authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's "Guidance to Licensing Authorities".

36.0 Occasional Use Notices

36.1 The Licensing Authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded.

Appendix A - Scheme of Delegation

| MATTER TO BE DEALT WITH | FULL COUNCIL | LICENSING ACT 2003 COMMITTEE | SUB-COMMITTEE OF LICENSING ACT 2003 COMMITTEE-LICENSING PANEL | OFFICERS |
|---|--------------|------------------------------|--|---|
| Three year Licensing policy | X | | | |
| Policy not to permit casinos | X | | | |
| Fee Setting – when appropriate | | X | | |
| Application for premises licences | | | Where Representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Application for a Variation to a licence | | | Where Representations have been received and not withdrawn | Where no Representations received/representations have been withdrawn |
| Application for a transfer of a licence | | | Where representations have been received from the Commission | Where no representations received from the Commission |
| Application for a provisional statement | | | Where representations have been received and not withdrawn | Where no representations received/representations have been withdrawn |
| Review of a premises licence | | | X | |
| Application for club gaming/ club machine permits | | | Where representations have been received and not withdrawn | Where no objections received/ Representations have been withdrawn |
| Cancellation of club Gaming/ club machine Permits | | | X | |
| Applications for other permits | | | | X |
| Cancellation of licensed premises gaming Machine permits | | | | X |
| Consideration of temporary use notice | | | | X |
| Decision to give a counter notice to a temporary use notice | | | X | |
| Determination as to whether a person is an Interested Party | | | | X |
| Determination as to whether representations are relevant | | | | X |
| Determination as whether a Representation is frivolous, vexatious or repetitive | | | | X |

Appendix B – List of Consultees

The draft document was circulated to a number of consultees including those listed below.

- Elected Councillors, Wirral Council
- Environmental Health, Wirral Council
- Trading Standards Manager, Wirral Council
- Planning Authority, Wirral Council
- Local Safe Guarding Children Partnership, Wirral Council
- The Gambling Commission
- Merseyside Police
- Merseyside Fire and Rescue Service
- H. M. Revenue & Customs
- Public Health
- Citizen's Advice Bureau
- The Bingo Association
- Association of British Bookmakers
- British Casino Association
- Casino Operators Association of the UK
- British Holiday & Home Parks Association
- British Beer & Pub Association
- Gaming Machine Suppliers
- All persons who hold a Betting Office Premises Licence
- All persons who hold a Bingo Premises Licence
- Amusement Arcades that hold Adult Gaming Centre and Family Entertainment Centre Premises Licences
- Representatives holders of various licences

Appendix C – Responsible Authorities

Environmental Health (Pollution Control)

Environmental Health
Town Hall
Brighton Street
Wallasey
CH44 8ED

Body Responsible for the Protection of Children from Harm

Wirral Safeguarding Children Partnership
~~Local Safe Guarding Children Board~~
Hamilton Building
Conway Street
Birkenhead
CH41 4FD

Chief Officer of Merseyside Police

~~Police Licensing Section
Walton Lane Police Station
Walton Lane
Liverpool
L4 5XF~~

Merseyside Police HQ
Licensing Unit
5th Floor
Canning Place
Liverpool
L1 8JX

Licensing Authority

Wirral Borough Council
Town Hall
Brighton Street
Wallasey
CH44 8ED

Planning Authority

Development Control
Town Hall
Brighton Street
Wallasey
CH44 8ED

Fire and Rescue Authority

Merseyside Fire & Rescue Service
Wirral District Fire Safety
The Fire Station
Mill Lane
Wallasey
CH44 5UE

The Gambling Commission

Victoria Square House
Victoria Square
Birmingham
B2 4BP

H.M. Revenue & Customs

Portcullis House
21 India Street
Glasgow
G2 4PZ

Appendix D – Summary of gaming machine categories and entitlements

| Category of machine | Maximum stake (from April 2019) | Maximum prize (from Jan 2014) |
|---|---|---|
| A | Unlimited – No category A gaming machines are currently permitted | Unlimited – No category A gaming machines are currently permitted |
| B1 | £5 | £10,000 ¹ |
| B2 | £2 | £500 |
| B3A | £2 | £500 |
| B3 | £2 | £500 |
| B4 | £2 | £400 |
| C | £1 | £100 |
| D – non-money prize | 30p | £8 |
| D – non-money prize (crane grab machines only) | £1 | £50 |
| D – money prize | 10p | £5 |
| D – combined money and non-money prize | 10p | £8 (of which no more than £5 may be a money prize) |
| D – combined money and non-money prize (coin pusher or penny falls machines only) | 20p | £20 (of which no more than £10 may be a money prize) |

Appendix E – Summary of machine provisions by premises

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

Appendix B – List of Consultees

The draft document was circulated to a number of consultees including those listed below.

- Elected Councillors, Wirral Council
- Environmental Health and Trading Standards Manager, Wirral Council
- Planning Authority, Wirral Council
- Local Safe Guarding Children Board, Wirral Council
- Wirral Federation of Tenants and Residents Association
- The Gambling Commission
- Merseyside Police
- Merseyside Fire and Rescue Service
- H. M. Revenue & Customs
- Public Health
- Citizen's Advice Bureau
- The Bingo Association
- Association of British Bookmakers
- British Casino Association
- Casino Operators Association of the UK
- British Holiday & Home Parks Association
- British Beer & Pub Association
- Gaming Machine Suppliers
- All persons who hold a Betting Office Premises Licence
- All persons who hold a Bingo Premises Licence
- Amusement Arcades that hold Adult Gaming Centre and Family Entertainment Centre Premises Licences
- Representatives holders of various licences

This page is intentionally left blank