

A meeting of the **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **TUESDAY, 24TH OCTOBER 2006** at the rising of the Licensing and Protection Panel which will commence at 2.00pm and you are requested to attend for the transaction of the following business:-

**Contact  
(01480)**

### **APOLOGIES**

**1. MINUTES (Pages 1 - 2)**

To approve as a correct record the Minutes of the meeting held on 25th August 2006.

**A Roberts  
388009**

**2. MEMBERS' INTERESTS**

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda item. Please see Notes 1 and 2 overleaf.

**3. GAMBLING ACT - CONSULTATION DOCUMENTS (Pages 3 - 30)**

To consider a report by the Head of Administration on consultations by the government on the Gambling Act 2005 together with suggested responses.

**R Reeves  
388003**

**4. LICENSING ACT 2003 - CURRENT UPDATE (Pages 31 - 32)**

To receive and note a report by the Head of Administration on the licensing activity by the Council under the Licensing Act 2003.

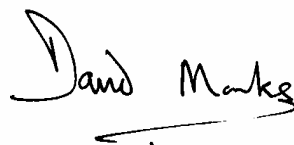
**G Peck  
3888010**

**5. LICENSING ACT 2003 - GUIDANCE REVISION**

To consider a report by the Head of Administration on the review of the Licensing Act 2003. **(TO FOLLOW)**.

**G Peck  
388010**

Dated this 16th day of October 2006



Chief Executive

## Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
  - (a) *the well-being, financial position, employment or business of the Councillor, a partner, relatives or close friends;*
  - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
  - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or*
  - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

**Please contact Mr A Roberts, Democratic Services Officer, Tel No 01480 388009/e-mail: Anthony.Roberts@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.**

**Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.**

**Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

### **Emergency Procedure**

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.*

# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the LICENSING COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 24th August 2006.

PRESENT: Councillor J M Sadler – Chairman.

Councillors K M Baker, J D Fell, Mrs K P Gregory, A Hansard, I R Muir, J Taylor and Mrs M Wheeler.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors D Harty and J S Watt.

### 1. MINUTES

The Minutes of the Panel held on the 17th May 2006 were approved as a correct record and signed by the Chairman subject to the amendment to the resolution of Minute No. 5 to read as follows:

“RESOLVED

that the Committee establish three Groups from which Members be appointed to nine Sub-Committees as follows:

- (a) 1. Councillors Sadler, Hansard and Baker;  
2. Councillors Sadler, Baker and Watt;  
3. Councillors Sadler, Hansard and Watt
- (b) 1. Councillors Bell, Fell and Gregory;  
2. Councillors Bell, Fell and J Taylor;  
3. Councillors Bell, Gregory and J Taylor
- (c) 1. Councillors Muir, Harty and Powell;  
2. Councillors Muir, Harty and Wheeler;  
3. Councillors Muir, Powell and Wheeler.”

### 2. MEMBERS INTERESTS

No declarations were received.

### 3. GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

The Panel considered a report by the Head of Administration (a copy of which is appended in the Minute Book) advising Members that the Gambling Act 2005 had introduced a new regulatory regime for gambling and that the Council would become responsible for licensing premises for that purpose.

Members were informed that the first appointed date for the receipt of applications by the Council was 31st January 2007 and the Act required all licensing authorities to publish a Statement of Principles on how they intended to approach their responsibilities under the Act by 3rd January 2007. Information on fees for applications was awaited.

In considering the report now submitted and having noted the timetable for its introduction, the Panel agreed that the Draft Statement should be circulated for a consultation period of 10 weeks so as to meet the deadline contained in the Act. Accordingly, it was

RESOLVED

that the Gambling Act 2005 Draft Statement of Principles be approved for the purposes of public consultation.

#### **4. SPECIAL MEETING**

The Panel noted that a special meeting of the Committee would be held at 4pm on 27th November 2006 to consider the outcome of consultations on the draft Statement of Principles referred to above.

Chairman

## **GAMBLING ACT – CONSULTATION DOCUMENTS (Report by the Head of administration)**

### **1. INTRODUCTION**

In advance of the implementation of the Gambling Act 2005, the government has issued a series of consultation documents and draft statutory instruments upon which comments have been invited. These are summarised in this report.

### **2. CONSULTATION**

The following documents have been issued for comment –

- a) draft Categories of Gaming Machine Regulations and consultation document;
- b) Premises Licences Hearings consultation document;
- c) draft Premises Licences Regulations and consultation document;
- d) Premises Licences: Mandatory and Default Conditions consultation document; and
- e) Definition of Small-Scale Operator Exemption consultation document

These represent only part of the consultation to be undertaken by the DCMS and the Gambling Commission before the implementation of the Act and, although the date for the first receipt of applications by authorities has now been put back by 3 months to 30<sup>th</sup> April 2006, the timescale for all of the necessary procedures to be in place is looking increasingly tight. In addition, no indication has yet been received in respect of fee levels.

#### **2.1 Categories of Gaming Machines**

The DCMS are not proposing any change to their recent announcement on gaming machine categories which were included in the draft statement of principles which the Council has issued for consultation. No comment is therefore suggested on the proposed categories.

Useful tables are attached as Annexes A and B which show the locations and numbers permitted by gaming machine category in each type of licensable premise.

#### **2.2 Premises Licences Hearings**

The DCMS had the choice of adopting the hearings regulations introduced for the Licensing Act or compiling new regulations for the Gambling Act. They have concluded that the former would be too confusing and therefore suggested new regulations for gambling

hearings. This will provide an opportunity to avoid some of the difficulties experienced with licensing hearings but it will mean separate arrangements for use in gambling hearings which Sub Committee members will have to familiarise themselves with.

The draft regulations suggest that 10 days notice should be given of a hearing but do not specify how soon a hearing must be held after the close of a consultation period. The change is welcome and will avoid some of the scheduling difficulties experienced with licensing hearings.

Two questions that arose with licensing still are not addressed in the gambling hearings procedure. The draft regulations require an applicant and all of the parties who submitted representations to receive copies of all of those representations but remain silent as to how to deal with the situation when interested parties ask for their names to be withheld. Secondly, although the draft regulations make provision for a hearing to be dispensed with if all parties agree, it does not indicate how that application should then be determined, as this cannot be undertaken by officers once representations have been received.

A useful addition is the proposal that a licensing authority can extend any of the time limits in the regulations where they consider this necessary in the public interest.

The suggested timescale for hearings is set out in Annex C attached.

### **2.3 Premises Licences Regulations**

These regulations deal only with premises licences and do not apply to unlicensed family entertainment centres, permits and notices that are also covered by the Act.

The draft regulations specify the suggested format for application forms and plans, the procedure for applying for and determining applications and the subsequent notification processes. For the purposes of consistency within the gambling industry, the DCMS propose that application forms, notices and licences be standardised and they have listed a total of 21 various forms for use in licensing premises. This is considerably more prescriptive than the Licensing Act where only application forms and plans were defined. That said, it will avoid the necessity for each authority to design forms individually.

As opposed to an applicant being required to send copies of the application form to all responsible authorities, the regulations propose that they should receive only a copy of the public notice from the applicant. If the responsible authority then requires further details, this will need to be obtained from the licensing authority. As some of the responsible authorities form part of the District Council, the regulations further propose that the application and notices be sent to a central point in the authority and are then distributed internally. Although the process suggested will reduce costs for applicants and responsible authorities, it will increase work for the licensing authority which should be borne in mind when fee levels are determined.

The DCMS also propose to designate an additional responsible authority for the protection of vulnerable people, which will be the subject of a further consultation paper.

The Act requires a register of premises licences to be retained by a licensing authority, with the DCMS proposing to prescribe the minimum requirements to be held in the register to provide some local flexibility for authorities. The DCMS also propose that a licensing authority update the Gambling Commission on licences issued, suspended, revoked etc., as well as when a hearing is to be held or a review carried out. In the absence of information to the contrary, it is difficult to envisage why the Commission needs to be aware of hearings and reviews and it is suggested that the DCMS be recommended to delete this requirement.

The DCMS intend to introduce arrangements for 'grandfather rights' for existing licence holders under which new premises licences would automatically be issued by licensing authorities as long as no variations were sought to licence conditions.

#### **2.4 Premises Licences: Mandatory and Default Conditions**

The Licensing Act contains only 3 mandatory conditions and licensing authorities are not permitted to adopt standard conditions for all licences. In contrast, the Mandatory and Default Conditions Regulations propose 43 separate conditions, in addition to any that might be imposed by a licensing authority in furtherance of the licensing objectives. The suggested conditions are listed at Annex D, broken down into the various types of premises licence permitted by the Act, of which the following are of particular interest.

There is no provision for mandatory or default conditions for door supervision. Bearing in mind the need for local flexibility to achieve the licensing objectives, this is to be welcomed.

At present, there are varying restrictions on opening hours for premises licensed for gambling and these often can only be controlled by planning conditions or byelaws. The DCMS propose default hours for various forms of premises licence as set out in the Annex but excluding AGCs and licensed FECs. Times could then be amended by a licensing authority in furtherance of one or more of the licensing objectives. Given the attitude of the DCMS to unrestricted opening times under the Licensing Act, it is difficult to appreciate the need for default timings for gambling. If the times can be amended to achieve the licensing objectives, it would be easier to leave this to local flexibility in the first instance. It is suggested that the use of default conditions in relation to times when gambling is permitted be opposed.

#### **2.5 Definition of Small-Scale Operator Exemption**

This consultation document deals primarily with personal licences and is of greater relevance to the Gambling Commission.

### **3 CONCLUSION**

The documents referred to in this report form part of a series of consultation papers and regulations leading to the implementation of the Gambling Act. Although lessons have been learnt from the Licensing Act, the scope of the Gambling Act is broader and, in some respects, more complex. With the date for the first applications now only some 6 months away, the timescale is becoming a matter of some

concern if the necessary procedures are to be in place and the necessary software delivered and tested in sufficient time.

#### **4 RECOMMENDATION**

The Committee are invited to comment upon the draft consultation documents referred to above and in the annexes attached and to endorse the views expressed in the report.

#### **BACKGROUND DOCUMENTS**

#### **CONSULTATION PAPERS REFERRED TO IN THIS REPORT**

**Contact Person: Roy Reeves, Head of Administration, 01480 388003**



**ANNEX A**

Premises	Machine category						
	A	B1	B2	B3	B4	C	D
Regional Casino	⌚	⌚	⌚	⌚	⌚	⌚	⌚
Large Casino		⌚	⌚	⌚	⌚	⌚	⌚
Small Casino		⌚	⌚	⌚	⌚	⌚	⌚
Existing "1968" casino		⌚	⌚	⌚	⌚	⌚	⌚
Premises licensed for betting; and licensed tracks occupied by pool betting operating licensee			⌚	⌚	⌚	⌚	⌚
Licensed Bingo Premises				⌚	⌚	⌚	⌚
Licensed Adult Gaming Centre				⌚	⌚	⌚	⌚
Clubs and Miner's Welfare Institutes with permit					⌚	⌚	⌚
Premises with bar licensed for alcohol consumption						⌚	⌚
Licensed Family Entertainment Centre						⌚	⌚
Unlicensed Family Entertainment Centre							⌚
Travelling Fair							⌚

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## ANNEX B

<b>Machine category</b> <b>(x = category of machine not permitted on this type of premises)</b>							
<b>Premises</b>	<b>A</b>	<b>B1</b>	<b>B2</b>	<b>B3</b>	<b>B4</b>	<b>C</b>	<b>D</b>
Regional Casino	1250 (subject to table ratio)	Any combination of other categories of machines, B1 to D, within the total limit of 1250 (subject to table ratio)					
Large Casino	x	150	Any combination of other categories of machines, B2 to D, within the total limit of 150 (subject to table ratio)				
Small Casino	x	80	Any combination of other categories of machines, B2 to D, within the total limit of 80 (subject to table ratio)				
Existing "1968" casinos	x	20 in total, any combination of category B				Any number of C or D <b>instead</b> of 20 B	
Premises licensed for betting and licensed tracks occupied by pool betting operating licensee	x	X	4 in total, any combination of B2 to D				
Licensed Bingo Premises	x	X	x	4 in total, any combination of B3 and B4		Any number of C and D	
Licensed Adult Gaming Centres	x	X	x	4 in total, any combination of B3 and B4		Any number of C and D	
Clubs or Miners' welfare institutes with permits	x	X	x	x	3 in total, any combination of B4, C or D		
Premises with bar licensed for alcohol consumption	x	X	x	x	x	C or D - 2 in total, automatically, with notification. In addition, as many as allowed by permit.	
Licensed Family Entertainment Centre (FEC)	x	X	x	x	x	Any number of C and D	
Unlicensed FEC	x	X	x	x	x	x	D only Any number
Travelling Fair	x	X	x	x	x	x	D only Any number

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**ANNEX 1**

Application	Period within which hearing must be held	Persons to whom notice must be given	Time limit within which notice of the hearing must be given by the authority	Documents to accompany notice of hearing	Time limit within which authority must make its determination
Premises licence (Section 162)	As soon as reasonably practicable following the day after the end of the period during which representations may be made (that period to be prescribed in our premises licence regs)	The applicant Any person who has made representations (that are relevant and not withdrawn)	No later than 10 working days before the day of which the hearing is to be held	The relevant representations as defined in section 161 of the Gambling Act 2005 and ...of the Premises Licensing Regulations 2006	Within a period of 5 working days beginning with the last day on which the hearing was held.
Application for variation (Section 187(3))	As soon as reasonably practicable following the day after the end of the period during which representations may be made (that period to be prescribed in our premises licence regs)	The applicant Persons who have made representations (that are relevant and not withdrawn)	No later than 10 working days before the day of which the hearing is to be held	The relevant representations as defined in section 161 of the Gambling Act 2005 and ...of the Premises Licensing Regulations 2006	Within a period of 5 working days beginning with the last day on which the hearing was held.

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Application	Period within which hearing must be held	Persons to whom notice must be given	Time limit within which notice of the hearing must be given by the authority	Documents to accompany notice of hearing	Time limit within which authority must make its determination
Application for transfer (Section 88(2))	As soon as reasonably practicable following the day after the end of the period during which representations may be made (that period to be prescribed in our premises licence regs)	The applicant  Persons who have made representations (that are relevant and not withdrawn)  The licensee (unless he cannot be contacted)	No later than 10 working days before the day of the first day on which the hearing is to be held	The relevant representations as defined in section 161 of the Gambling Act 2005 and ...of the Premises Licensing Regulations 2006	Within a period of 5 working days beginning with the last day on which the hearing was held.
Application for reinstatement (Section 195(3))	As soon as reasonably practicable following the day after the end of the period during which representations may be made (that period to be prescribed in our premises licence regs)	The applicant  Persons who have made representations ( that are relevant and not withdrawn)  The licensee (unless he cannot be contacted)	No later than 10 working days before the first day on which the hearing is to be held	The relevant representations as defined in section 161 of the Gambling Act 2005 and ...of the Premises Licensing Regulations 2006	Within a period of 5 working days beginning with the last day on which the hearing was held

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Application	Period within which hearing must be held	Persons to whom notice must be given	Time limit within which notice of the hearing must be given by the authority	Documents to accompany notice of hearing	Time limit within which authority must make its determination
Application for review (Section 201(4))	As soon as reasonably practicable following the end of the period during which representations may be made (that period to be prescribed in our premises licence regs)	The applicant (where there is one)  Persons who have made representations (that are relevant and not withdrawn)  The licensee	No later than 10 working days before the day of the first day on which the hearing is to be held	The relevant representations as defined in section 161 of the Gambling Act 2005 and ...of the Premises Licensing Regulations 2006	Within a period of 5 working days beginning with the last day on which the hearing was held.
Application for provisional statement (Section 204(2))	As soon as reasonably practicable following the end of the period during which representations may be made (that period to be prescribed in our premises licence regs)	The applicant  Persons who have made representations (that are relevant and not withdrawn)	No later than 10 working days before the day of the first day on which the hearing is to be held	The relevant representations as defined in section 161 of the Gambling Act 2005 and ...of the Premises Licensing Regulations 2006	Within a period of 5 working days beginning with the last day on which the hearing was held.

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## Mandatory and Default Conditions: Consultation Document

## Annex A – List Of Proposed Mandatory And Default Conditions By Sector

**MANDATORY AND DEFAULT CONDITIONS - CASINOS**

Ref	Mandatory or Default?	Subject	Condition	Notes
ALL CASINOS				
13	M	Access between premises	There can be no direct, internal access between one licensed premises which children are not permitted by the Gambling Act to enter, and another licensed premises which children are not permitted by the Act to enter.	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
14	M	Access between premises	There can be no direct, internal access between one licensed premises which children are not permitted by the Gambling Act to enter and another licensed premises or premises with a permit under the Gambling Act to which children are permitted to enter, except as between betting premises (betting shops and tracks).	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
33	M	Information to be displayed	A summary of the premises licence should be displayed on the premises.	
1	M	Automated table games	A maximum of 40 player positions at wholly automated versions of real games of chance, 'automated table games', in any casino.	
2	M	Automated table games	A minimum of four player positions for any individual automated table game.	
3	M	ATMs	ATMs must be positioned so that customers must cease to gamble at tables or gaming machines in order to use them.	
6	M	Access to premises by children	Compliance with GC code of practice in relation to children's access to casino premises.	
9	D	Gambling hours	No gambling facilities may be offered between 6am and noon on any day.	
16	M	Access to premises	The principal entrance to the premises should be from the street.	
17	M	Access to premises	No entrance to the premises should be from a premises wholly or mainly used by children and young people.	
35	M	Information to be displayed	The rules of the games that are available to be played in the table gaming area must be displayed in that area (this can be by sign or leaflet).	
34	M	Information to be displayed	At all entrances to casinos a notice stating that no person under the age of 18 will be admitted. This requirement will not apply to the non-gambling areas of the regional casino.	
NEW CASINOS ONLY				
7	M	Bet Receipt terminals	A maximum of 40 bet receipt terminals permitted in casinos.	Bet receipt terminals only to be permitted in new casinos under current plans.
20	M	Gambling area visibility	The gambling area of the premises shall not be capable of being seen from any part of the premises to which children, or young people have access.	This applies to the Regional Casino only.

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**Mandatory and Default Conditions: Consultation Document**

Ref	Mandatory or Default?	Subject	Condition	Notes
21	M	Table gaming area	<p>Casinos must provide the following minimum table gaming area:</p> <p>Small casinos: a minimum of 500m<sup>2</sup></p> <p>Large casinos: a minimum of 1000m<sup>2</sup></p> <p>Regional casinos: a minimum of 1000m<sup>2</sup></p>	<p>For the purposes of these conditions, table games are defined as:</p> <p>- ordinary table games – ie gaming tables which facilitate the playing of casino games ie card games, dice games, roulette etc.</p> <p>- tables operated by employees but on which customers place stakes on automated terminals;</p>
22	M	Table gaming area	Only table gaming may take place in the table gaming areas of casinos	
23	M	Table gaming area	No area counting towards the minimum table gaming area may comprise less than 12.5% of the total minimum table gaming area for that category of casino.	- wholly automated tables of the sort permitted by virtue of section 235(2)(i) of the Act.
24	M	Table gaming area	No other gambling facilities may be situated within 2 metres of any table game.	
25	M	Non-gambling area	<p>New casinos must offer the following minimum non-gambling areas:</p> <p>Regional – 1,500m<sup>2</sup></p> <p>Large - 500m<sup>2</sup></p> <p>Small - 250m<sup>2</sup></p> <p>No gambling facilities may be offered in the non-gambling area.</p> <p>The area must be readily accessible to customers (ie offices, kitchen areas, etc will not count).</p> <p>The area must include recreational facilities for casino customers which are available for use while the casino is open.</p> <p>The area may include, but should not consist exclusively of, lavatories and lobby areas.</p>	
<b>CASINOS WITH CONVERTED LICENCES</b>				
26	M	Non-gambling area	Must offer a minimum non-gambling area equivalent to at least 10% of its total gambling area.	

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## Mandatory and Default Conditions: Consultation Document

**MANDATORY AND DEFAULT CONDITIONS - BINGO**

Ref	Mandatory or Default?	Subject	Condition	Notes
13	M	Access between premises	There can be no direct, internal access between one licensed premises which children are not permitted by the Gambling Act to enter, and another licensed premises which children are not permitted by the Act to enter.	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
14	M	Access between premises	There can be no direct, internal access between one licensed premises which children are <u>not</u> permitted by the Gambling Act to enter and another licensed premises or premises with a permit under the Gambling Act to which children <u>are</u> permitted to enter, except as between betting premises (betting shops and tracks).	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
33	M	Information to be displayed	A summary of the premises licence should be displayed on the premises.	
4	M	ATMs	ATMs must be positioned so that customers must cease to gamble at gaming machines in order to use them.	
12	D	Gambling hours	No gaming facilities may be offered between Midnight and 9am on any day.	
15	M	Access between premises	There can be no direct internal access between a premises with a bingo premises licence and a club with a club gaming or club gaming machine permit.	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
19	M	Access by children and young people	The requirements of Schedule 9 to the Gaming Act 1968 (paragraph 10B(3)(b)) will be replicated in mandatory conditions attached to FEC licences. These deal with separation of, and access to machines that are for over 18's only, supervision of the area in which these machines are kept, and notices stating the age limits.	This will not apply to bingo halls which operate their own over-18s policy.
36	M	Information to be displayed	On the premises, a notice stating that no person under 18 can gamble on the premises.	
37	M	Information to be displayed	A notice displaying any admission charges and the charges for playing bingo games.	

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## Mandatory and Default Conditions: Consultation Document

**MANDATORY AND DEFAULT CONDITIONS – AGCs / FECs**

Ref	Mandatory or Default?	Subject	Condition	Notes
AGCs / FECs				
13	M	Access between premises	There can be no direct, internal access between one licensed premises which children are not permitted by the Gambling Act to enter, and another licensed premises which children are not permitted by the Act to enter.	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
14	M	Access between premises	There can be no direct, internal access between one licensed premises which children are <u>not</u> permitted by the Gambling Act to enter and another licensed premises or premises with a permit under the Gambling Act to which children <u>are</u> permitted to enter, except as between betting premises (betting shops and tracks).	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
33	M	Information to be displayed	A summary of the premises licence should be displayed on the premises.	
5	M	ATMs	ATMs must be positioned so that customers must cease to gamble at gaming machines in order to use them.	
27	M	Alcohol	Alcohol will not be permitted to be consumed on the premises.	
AGCs ONLY				
38	M	Information to be displayed	On the premises, a notice stating that under 18's are prohibited from entering the premises and a notice stating that no alcohol may be consumed on the premises(which replicates the existing situation).	
FECs ONLY				
19	M	Access by children and young people	The requirements of Schedule 9 to the Gaming Act 1968 (paragraph 10B(3)(b)) will be replicated in mandatory conditions attached to FEC licences. These deal with separation of, and access to machines that are for over 18's only, supervision of the area in which these machines are kept, and notices stating the age limits.	

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## Mandatory and Default Conditions: Consultation Document

**MANDATORY AND DEFAULT CONDITIONS – BETTING OFFICES & TRACKS**

Ref	Mandatory or Default?	Subject	Condition	Notes
ALL				
13	M	Access between premises	There can be no direct, internal access between one licensed premises which children are not permitted by the Gambling Act to enter, and another licensed premises which children are not permitted by the Act to enter.	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
14	M	Access between premises	There can be no direct, internal access between one licensed premises which children are <u>not</u> permitted by the Gambling Act to enter and another licensed premises or premises with a permit under the Gambling Act to which children are permitted to enter, except as between betting premises (betting shops and tracks).	These conditions will be drafted in such a way as to ensure that any divide between premises is real and effective.
33	M	Information to be displayed	A summary of the premises licence should be displayed on the premises.	
40	M	Information to be displayed	Clear and accessible information about the terms on which a bet may be placed must be displayed in betting premises.	On racecourses and greyhound tracks this condition will require the premises licence holder to display standard rules of betting in or adjacent to the betting ring, or in the race card.
BETTING OFFICES (NOT TRACKS)				
5	M	ATMs	ATMs must be positioned so that customers must cease to gamble at gaming machines in order to use them.	
10	D	Gambling hours	No gambling facilities may be offered between 10pm and 7am on any day.	
18	M	Access between premises	Prohibition on access to betting premises (except tracks) from other commercial premises	
28	M	Ancillary Activities	No apparatus for making information or other material available in the form of sounds or visual images may be used on the licensed premises, except where the matter seen or heard is a sporting event and bets may have been effected on the premises in relation to that event.	This condition will be drafted to incorporate new forms of media and the current restrictions on images shown in betting shops will be amended to permit the showing of betting operator owned TV channels.
29	M	Ancillary Activities	No music, dancing or other entertainment is to be permitted on the premises.	

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## Mandatory and Default Conditions: Consultation Document

Ref	Mandatory or Default?	Subject	Condition	Notes
30	M	Ancillary Activities	Refreshments may be provided on the premises, but alcohol may not.	Note that there will be an additional prohibition on an alcohol licence being obtained for certain premises (including betting shops) under the Licensing Act 2003.
31	M	Ancillary Activities	The only publications that may be sold on the premises are racing periodicals or specialist betting publications.	
32	M	Ancillary Activities	National Lottery products may not be sold on the premises.	
39	M	Information to be displayed	A notice stating that no person under the age of 18 will be permitted to enter, at all entrances in betting premises other than tracks.	
<b>TRACKS ONLY</b>				
8	M	Bet receipt terminals	Bet receipt terminals must be supervised on tracks.	Tracks are the only betting licensed premises where children are allowed.
11	D	Gambling hours	On days when no public sporting event is taking place on a track, no gambling facilities may be offered between 10pm and 7am.	No restrictions on gambling hours for days on which a public sporting event is taking place on a track.
43	M	Greyhound tracks - Totalisator	A totalisator on a licensed dog track can be operated only while the public are admitted to the track for the purpose of attending dog races and no other sporting events are taking place on the track; and for effecting betting transactions on dog races run on that track.	This will be a mandatory condition either on the operating or the premises licence. The current equivalent is section 16 of the Betting, Gaming and Lotteries Act 1963
<b>HORSERACE COURSES</b>				
42	M	'Five Times' Rule	The 'five times' rule (which requires that the charge made to the bookmaker for entry to that place does not exceed five times the cost of the highest charge made to the public to enter that place, or one times the charge for any bookmaker's assistant), will be replicated as a mandatory condition on betting premises licences for horserace and greyhound tracks in relation to the betting rings that are subject to the five times rule on 31 August 2007, including temporary betting areas. This will lapse after five years.	We may also set default conditions to a track premises licence to protect areas to which the 'five times' rule applies for a period of five years, or to prevent tracks seeking to circumvent the 'five times' rule by increasing other costs or applying new charges.

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**Mandatory and Default Conditions: Consultation Document**

Ref	Mandatory or Default?	Subject	Condition	Notes
41	M	Verification of Operator	The track operator will have to make arrangements to verify the operator licences of bookmakers permitted to operate on track, and to remove unlicensed bookmakers.	This will be supported by Gambling Commission guidelines issued to track operators.

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**LICENSING ACT 2003 – CURRENT UPDATE  
(Report by the Head of Administration)**

**1. INTRODUCTION**

It is the intention of this report to update members on the licensing of premises and individuals under the Licensing Act 2003.

**2. INFORMATION**

2.1 The total number of licences, certificates and temporary events notices are as follows:-

Premises Licence	511
Club Premises Certificate	70
Personal Licences	805
Temporary Events Notices	520
Variations to Premises Licences since 24/11/06	25
Applications for new Premises Licences since 24/11/06	33
Renewal of Section 34 permits	73

2.2 Since the 24<sup>th</sup> November 2005 a total of 9 hearings have been arranged following representations to licensing applications. Of these representations were withdrawn in 2 leaving a total 7 requiring hearings.

2.3 In line with the Guidance issued under the Act visits to licensed premises have been carried out on a targeted basis, so far a total of 40 such visits have been made.

**3. RECOMMENDATION**

3.1 The Committee are invited to note the contents of the report.

**Contact Person: Mr G Peck, Licensing Officer  
(01480 388010)**

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