

LICENSING COMMITTEE

AGENDA

Meeting to be held in Committee Room No. 6 on
Monday, 5th June, 2006 at 2.00 p.m.

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Minutes of the last meeting of the Committee held on 6th March, 2006 (copy herewith).	1
4.	The Gambling Act 2005	3
	Report of the Director of Community and Cultural Services (copy herewith).	
5.	Licensing Act 2003 – Amendments to the Gaming Act 1968 with respect to Amusements with Prizes Machines in Premises Licensed for the Sale of Alcohol for Consumption on the Premises	11
	Report of the Director of Community and Cultural Services (copy herewith).	

This information can be made available on request in other languages.
If you require this, please telephone 0191 553 1008.

6. **Proposed Members Training Event**

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Report of the Director of Community and Cultural Services (copy herewith).

R.C. RAYNER,
City Solicitor.

Civic Centre,
SUNDERLAND.

25th May, 2006

At a meeting of the LICENSING COMMITTEE held in the CIVIC CENTRE on MONDAY, 6TH MARCH, 2006 at 2.00 P.M.

Present:-

Councillor Mrs. Higgins in the Chair

Councillors Bohill, P. Gibson, J. Heron, Kirby, T. Martin, Richardson, J.B. Scott, Trueman, J. Walton, Whalen and Wilson.

Apologies for Absence

Apologies for absence were submitted to the meeting on behalf of Councillors Adshead and Tansey.

Minutes of the last Meeting of the Committee held on 6th February, 2006

1. RESOLVED that the minutes of the meeting of the Committee held on 6th February, 2006 (copy circulated) be confirmed and signed as a correct record.

Declarations of Interest

There were no declarations of interest.

Licensing – Public Access

The Director of Community and Cultural Services submitted a report (copy circulated) which sought approval for Members attendance at a demonstration of the Licensing – Public Access Service to be held at the Moorside Offices of the ICT Unit on Monday, 13th March, 2006 at 11.30 a.m.

(For copy report – see original minutes)

Members were informed that in order to provide a more effective licensing service to the public, the Council would be implementing an online service designed by CAPS Solutions which would enable Members, the public, responsible authorities and applicants access to licensing application information held by the Council. The demonstration had been arranged to give Members a greater understanding of the system.

Members were asked to inform Mr. Terrett by no later than Thursday, 9th March, 2006 if they would be attending so arrangements in respect of refreshments and the provision of computer stations could be made.

2. RESOLVED that approval be given to Members attendance at the Licensing – Public Access demonstration to be held at the Moorside ICT Unit on Monday, 13th March, 2006 at 11.30 a.m.

(Signed) M. HIGGINS,
Chairman.

LICENSING COMMITTEE – 5 JUNE 2006

REPORT BY THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

THE GAMBLING ACT 2005

1.0 INTRODUCTION

1.1 The Gambling Act 2005 received Royal Assent on 7 April 2005. The Act contains a new regulatory system to govern the provisions of all gambling in Great Britain, other than the National Lottery and spread betting. Current expectations are that it will be brought fully into effect on 1 September 2007.

1.2 In its role as the Licensing Authority, Sunderland City Council will have new powers to license gambling premises within their area, as well as undertaking functions in relation to lower stake gambling machines and clubs and miners' welfare institutes. These functions allow the Council to: -

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

2.0 STATEMENT OF LICENSING POLICY

2.1 The Act also requires Councils to publish a Statement of Licensing Policy in line with which they should perform their duties. The Act further requires that this policy takes account of guidance issued upon the subject by the Government and also that a consultation exercise upon its content be conducted. Officers are currently finalising a draft of the Statement of Licensing Policy which will then be distributed to various parties for consultation. Ultimately, the Act requires that the policy is agreed by the full Council.

2.2 Members will recall that a similar document was required to be published with respect to the Licensing Act 2003 and that similar procedures were required to be followed by Councils. Again, the legislation prescribes a deadline for publishing of the policy document and so the timescales for reporting upon the progress of the policy to

the various Council hearings will be tight. A copy of the draft document will be given to Members at the meeting of the Committee and future reports will provide updates on its progress.

- 2.3 With regard to the issue of consultation on the Statement of Licensing Policy, a letter has been received from the British Casino Association (see Appendix 1) requesting that their organisation is included in the consultation process and offering Members and Officers of the Committee the opportunity to visit a local casino.

3.0 RECOMMENDATION

- 3.1 Members are recommended to: -

- (a) note the contents of the report; and
- (b) consider the invitation to visit a local casino and, if Members are minded to accept, authorise officers to respond and organise the visit.

Background Papers

1. Gambling Act 2005
2. Letter from British Casino Association dated 15.05.06

Appendix 1

BRITISH CASINO ASSOCIATION

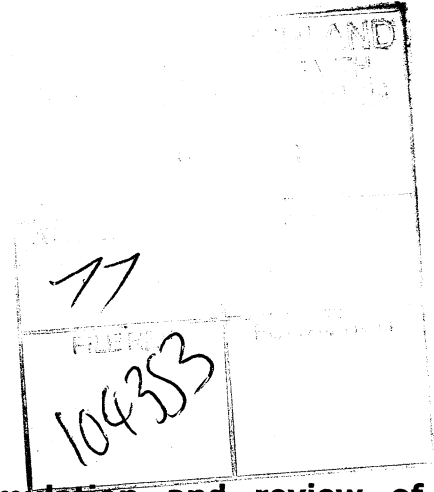
38 Grosvenor Gardens London SW1W 0EB

Tel: 020 7730 1055 Fax: 020 7730 1050

www.britishcasinoassociation.org.uk enquiries@britishcasinoassociation.org.uk

15th March 2006

Mr Ian Cavanagh
Licensing Department
Sunderland City Council
PO Box 100
Civic Centre
Sunderland SR2 7DN



Dear Mr Cavanagh

Gambling Act 2005 – Consultation on formulation and review of Gambling Licensing Policies (England and Wales)

The British Casino Association represents our members who operate over 90% of the existing 140 operating casinos in Great Britain; together with the majority of those 23 premises currently licensed but not yet operating.

The licensing of casino premises is a function that will be transferred to your authority, from the Betting and Gaming Licensing Magistrates, under the Gambling Act 2005.

The area covered by your Authority is one of the permitted areas within which casinos are permitted to operate under the current legislation, the Gaming Act 1968.

In the near future your authority will be required to draw up its policy which it will apply in exercising its functions under the Gambling Act 2005. It is a requirement under s.349(3) of the Gambling Act 2005 that you as a licensing authority, when drawing up your policy under the 2005 Act, consult with those who represent the interests of persons who carry on gambling businesses within your area. The BCA would wish to be consulted in relation to the formulation of your authorities policy, and in those circumstances would be grateful if you could please note our interest in this matter.

IF IT IS YOUR INTENTION TO SET UP A PUBLIC CONSULTATION COMMITTEE IN RESPECT OF YOUR GAMBLING ACT LICENSING POLICY THEN WE WOULD WISH TO BE PART OF THIS COMMITTEE AND AGAIN WOULD BE GRATEFUL IF YOU COULD PLEASE NOTE OUR INTEREST IN THIS.

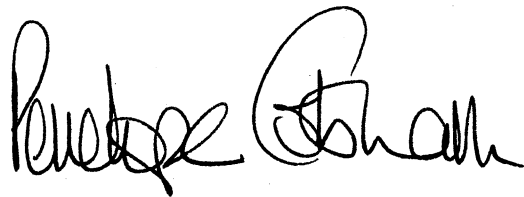
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Chairman: Penelope, Viscountess Cobham

We appreciate that your local authority has not previously had responsibility for the licensing of casinos and, if it is felt appropriate, would welcome the opportunity of showing members of the licensing committee and their legal advisors around one of the casinos within your area. Should you or your members wish to take up this offer then I would be grateful if you could please contact enquiries@britishcasinoassociation.org.uk or please telephone 0207 730 1055 so that such a visit can be arranged.

We look forward to receiving a copy of your draft policy for consultation in due course. We will be sending our new brochure to you in a week or two.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Penelope Cobham', written in a cursive style.

Penelope, Viscountess Cobham
Chairman

The British Casino Association

Introduction

The British Casino Association (BCA) is the leading trade association for the casino industry in Great Britain, representing over 90% of Britain's licensed casinos, providing a forum for comment, opinion and the promotion of best practice across the industry.

As the trade association, the BCA is committed to the responsible operation of the casino industry, and we work closely with government and regulators to ensure a sustainable and thriving future for our members and for the wider community.

The Industry

Over the past forty years the British casino industry has built a worldwide reputation for integrity and propriety, which, in conjunction with the Gambling Commission and other regulators, we work hard to maintain.

Casinos make up an important element of Britain's leisure industry, offering a diverse range of entertainment including restaurants and top quality live entertainment. The sector directly employs in excess of 15,300 staff¹ in a variety of roles, from certified croupiers and floor managers, to chefs and doormen, and we expect that figure to grow over the next few years.

Existing licensed casinos operate in 53 Permitted Areas spread geographically across the UK, as designated by the Secretary of State. The Permitted Areas, with the exception of London, were based on boundaries of former County Boroughs, Non-County Boroughs and Urban Districts which had large populations, or, were considered to be resort towns. There are 47 permitted areas in England, 4 in Scotland and 2 in Wales. There are no casinos in Northern Ireland.

After the full implementation of the Act in September 2007, the Secretary of State, subject to the approval of both Houses of Parliament, will have powers to select which Local Authorities will be able to grant one or more of the 17 new casino licences. Existing casinos will be 'grandfathered' allowing them, if desired, to relocate their premises within the boundaries of the Local Authority, once the necessary approvals, including planning permission and licences, are in place.

The regulatory environment is already amongst the most robust in the world, and is further strengthened by 2005 Gambling Act, which will be fully implemented in September 2007. Casinos must hold a premises licence, an operating licence, and all staff involved in gaming must hold personal licences, which are issued by the Gambling Commission. The sector is also compliant with other relevant regulators including the Food Standards Authority, the Advertising Standards Authority, the Health and Safety Executive, and the Equal Opportunities Commission.

¹ Figure drawn from the *Report of the Gaming Board for Great Britain 2004-2005* (printed in July 2005).

The sector is a major contributor to the public purse. In 2004 casino operators provided the Treasury with over £200 million in Gaming Duty and machine licence fees² – in addition to normal business rates.

Casino customers are drawn from every sector of society, representing all walks of life. Clients are split 70% male - 30% female, though the number of women visiting casinos is rising. An 'average client' is drawn from socio-demographic BC1 & C2.

Responsible approach

The British casino sector has long been recognised for its responsible approach to gambling and was instrumental in the creation of the Responsibility in Gambling Trust (RIGT) in 2002 - funded entirely by voluntary contributions from all sectors of the gambling industry (including betting and bingo).

The RIGT aims to make it less likely that people become problem gamblers, and more likely that those who do are able to seek secure and effective help. The RIGT achieves these aims by commissioning treatment from specialist providers, such as Gordon House and GamCare, and funds education and research initiatives.

The BCA takes a proactive approach to responsible gambling. All Members are required to observe our Code of Best Practice on Social Responsibility, which was developed in partnership with the charity GamCare. In addition, Members have to operate within guidelines and any conditions agreed with the regulator, the Gambling Commission.

The Code includes specific measures to protect the vulnerable, particularly the young. Measures included in the code relate to:

- Acceptance of cheques and debit cards
- Club activities
- Competitions in card rooms
- Socialising with guests and visits to casinos
- Cash machines (ATM's) in Casinos
- Advertising.

Issues

The Gambling Act, 2005

The Gambling Act, passed in April 2005, provided a framework for the future development of the industry in the UK, consciously attempting to incorporate new and evolving technologies, and introducing further safeguards for the vulnerable.

The BCA is now involved in technical discussions with DCMS and the Gambling Commission about the roll-out of the Act, which is due for full implementation in September 2007.

The most visible change for the casino sector is the introduction of three new categories of casinos, Regional, Large and Small. The locations of one Regional, eight Large and eight Small are to be recommended to the Secretary of State by the independent Casino Advisory Panel. Based on the Panel's advice, the Secretary of

² Amusement Machine Licensing Duty.

State will specify locations in a Parliamentary Order, which will require the approval of both Houses of Parliament. The Panel is expected to report towards the end of 2006.

Advertising

A continuing issue for the BCA is advertising restrictions. UK based casinos are effectively unable to advertise their services, except in the most limited circumstances, while concurrently online casinos, based abroad, are able to exploit the limitations of the 1968 Act.

The 2005 Gambling Act introduces new advertising provisions which encompass advances in technology, including online and mobile gaming, however, these will only be introduced in September 2007.

Stakes and Prizes

Whilst the casino industry enjoyed an increase in machine allocations and an increase in the value of stakes and prizes in October 2005, there is sector wide concern that amusement machine stakes and prizes have not been generally reviewed or increased since the triennial review in 1999. The Gaming Board review recommended an increase in stakes and prizes for all sectors (including an uplift for casino machines beyond that of October 2005), but these recommendations have not yet been adopted. The BCA believes that stakes and prizes must urgently be increased across the whole leisure sector.

BCA members Head office details

BANNATYNE CASINOS LTD

Power House
Haughton Road
Darlington
Co Durham
DL1 1ST
Tel: 01325 356677

BLUE CHIP CASINOS PLC

Meriden House
6 Great Cornbow
Halesowen
West Midlands
B63 3AB
Tel: 0121 504 0965

COASTBRIGHT LTD

1 Derry Street
London
W8 5NN
Tel: 020 7591 8328

GALA CORAL GROUP LTD

New Castle House
Castle Boulevard
Nottingham
NG7 1FT
Tel: 0115 948 5000

GROSVENOR CASINOS LTD

Stafferton Way
Maidenhead
SL6 1AY
Tel: 01628 504000

THE INTERNATIONAL CASINO

9 Queens Road
Aberdeen
AB15 4YL
Tel: 01224 208494

LES CROUPIERS

32 St Mary Street
Cardiff
CF1 2AB
Tel: 029 2023 0652

LONDON CLUBS INTERNATIONAL PLC

10 Brick Street
London
W1J 7HQ
Tel: 020 7518 0000

STANLEY LEISURE PLC

Stanley House
151 Dale Street
Liverpool
L2 2JW
Tel: 0151 237 6000

LICENSING COMMITTEE - 5 JUNE 2006

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

**LICENSING ACT 2003 – AMENDMENT TO THE GAMING ACT 1968 WITH
RESPECT TO AMUSEMENTS WITH PRIZES MACHINES IN PREMISES
LICENSED FOR THE SALE OF ALCOHOL FOR CONSUMPTION ON THE
PREMISES**

1.0 INTRODUCTION

- 1.1 The purpose of this report is to inform Members of the changes to the legal framework with regard to Amusements with Prizes machines in premises licensed for the sale of alcohol for consumption on the premises and to request delegated powers for the Director of Community and Cultural Services to issue permits where no representations have been received.

2.0 LEGAL FRAMEWORK

- 2.1 The Licensing Act 2003 amended the Gaming Act 1968 in respect of the grant of 'section 34 permits' for Amusements with Prizes machines in premises licensed for the sale of alcohol for consumption on the premises. The Licensing Act transferred the responsibility for the granting of these permits from the Magistrates' Courts to the Council in its role as the Licensing Authority.
- 2.2 Members should note that premises operating under a Club Premises Certificate are not affected by this amendment and that they still need to apply to the Magistrates' Courts for Amusements with Prizes machines permits.
- 2.3 Under the Gaming Act 1968 permits for Amusements with Prizes machines can be granted for a minimum period of three years but may be issued for longer periods. Licensing Authorities are not permitted to attach conditions on the grant of a section 34 permit other than a condition limiting the number of machines authorised under it. There is no requirement for applicants to provide a plan of the premises indicating where the machines are to be sited.
- 2.4 Members will be aware that Amusement with Prizes machines licensed under section 34(5e) of the Gaming Act are not allowed to be played by persons under the age of 18. Permits issued under section 34 in respect of premises licensed for the sale of alcohol for consumption on the premises do not have this restriction and it is therefore a matter for the

discretion of the premises licence holder and any adults accompanying the children whether they are entitled to play such machines.

- 2.5 The current fee for the grant or renewal of a permit under section 34 of the 1968 Act is £32.

3.0 DELEGATION TO DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

- 3.1 The Secretary of State, in her guidance issued under section 182 of the Licensing Act 2003, recommends that Licensing Authorities issue section 34 permits in respect of premises licensed for the sale of alcohol for consumption on the premises for the use of up to two machines without the need for a hearing. It is therefore proposed that the Director of Community and Cultural Services be given the delegated power to grant or renew applications in that situation.

- 3.2 Where permits for more than two machines are sought the Secretary of State recommends that local authorities follow the procedure they have already adopted in respect to applications for section 34(5e) permits. These relate to Amusement with Prizes machines in amusement arcades and similar premises and are presently referred to Regulatory Committee. However, the Licensing Act 2003 requires this function to be undertaken by the Licensing Committee. The law allows the Licensing Committee to delegate this function. In the interests of efficiency, it is proposed that such applications are dealt with by Licensing Sub-Committees.

4.0 RECOMMENDATION

- 4.1 Members are recommended to note the contents of the report and: -

- delegate the Director of Community and Cultural Services the power to grant or renew applications for section 34 permits in respect of premises licensed for the sale of alcohol for consumption on the premises in respect of applications for the use of up to two machines;
- delegate to Licensing Sub-Committees the power to grant or refuse applications for the grant or renewal of section 34 permits in respect of premises licensed for the sale of alcohol for consumption on the premises in respect of applications for the use of three or more machines.

Background Papers

- 1) Gaming Act 1968
- 2) Licensing Act 2003
- 3) Secretary of State's Guidance issued under section 182 of the Licensing Act 2003
- 4) DCMS Gambling Circular No. 13

Item No.6

LICENSING COMMITTEE – 5 JUNE 2006

REPORT OF THE DIRECTOR OF COMMUNITY AND CULTURAL SERVICES

PROPOSED MEMBERS TRAINING EVENT

1.0 PURPOSE OF REPORT

- 1.1 To invite Members to consider their attendance at a training event upon the laws administered by the Licensing Committee.

2.0 BACKGROUND

- 2.1 As there are a number of new Members of the Committee and that the laws administered by the Committee have developed recently, Members may think it useful that a training event on the issues be arranged.

3.0 RECOMMENDATION

- 3.1 Members are recommended to consider requesting the Director of Community and Cultural Services to arrange a training event based upon the laws administered by the Licensing Committee.