

## KESWICK TOWN COUNCIL

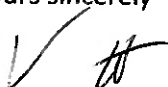
Council Offices  
50 Main Street  
Keswick  
CA12 5JS

Email: [townclerk@keswicktowncouncil.gov.uk](mailto:townclerk@keswicktowncouncil.gov.uk)

9<sup>th</sup> September 2021

A meeting of Keswick Town Council to be held at the **Crosthwaite Parish Rooms, Main Street, Keswick** on Thursday 16<sup>th</sup> September 2021 at **7.30 pm**.

Yours sincerely



**Vivien Little**  
Town Clerk

### AGENDA

- 1. Apologies**  
To receive apologies for absence.
- 2. Minutes**  
To authorise the Chairman to sign as a correct record the minutes of the Town Council meeting held on the 19<sup>th</sup> August 2021 (pages 18 -24).
- 3. Requests for Dispensations**  
The Clerk to report any requests received since the previous meeting for dispensations to speak and/or vote on any matter where a member has a disclosable pecuniary interest.
- 4. Declarations of Interests**  
To receive declarations by elected and co-opted members of interests in respect of items on this agenda.

Members are reminded that, in accordance with the Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting). Members may, however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

*If a member requires advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote, he/she is advised to contact the Clerk at least 24 hours in advance of the meeting.*

- 5. Police Attendance**  
To receive the report of the Allerdale Rural Neighbourhood Policing Team.
- 6. Matters to be received from the Public**  
Such matters may be received throughout the meeting, however items raised should not be discussed for longer than ten minutes and the Chairman reserves the right to curtail repetitious matters. Public participation shall not be longer than half an hour throughout the meeting.

Please see attached a paper from a Member of the Public in regard to the potential crossing on Main Street.

**7. Matters to be raised by Councillors**

An opportunity for Councillors to raise any **unforeseen** matters which are not on the agenda, with the consent of the Chair, and which do not require a decision – items raised should not be discussed for longer than 10 minutes.

**8. Keswick Museum Update**

To receive a verbal update from Eilidh Young, Manager at Keswick Museum, on a future exhibition.

**9. Applications for Development**

- i) To examine applications for development and to agree observations for submission to the Lake District National Park Authority (list enclosed – Planning Group report to be circulated at the meeting).
- ii) To receive update on National Park planning decisions.
- iii) To receive a request for comments from WHP Telecoms regarding a proposed communications installation at Wythop Woods, Bassenthwaite

**10. Mayor's Report**

To receive details of the Mayor's engagements and meeting attendance for the period 13 August 2021 – 09 September 2021.

**11. Reports from Ward Representatives**

To receive reports from the following representatives:

- i) LDNPA North Distinctive Area Parishes Representative
- ii) Allerdale Borough Council
- iii) Cumbria County Council

**12. Payment of Accounts**

To confirm the payment of accounts for September 2021 as approved by the Inspection Committee (to be circulated at the meeting):

- i) For the Town Council
- ii) For the Trusts

**13. Audit for the year ending 31 March 2021**

To approve and accept the Annual Governance and Accountability Return for the year ended 31 March 2021 including the certificate of conclusion of the External Audit and to report that there are no matters arising.

**14. Gambling Act 2005 – Consultation on Statement of Gambling Policy 2022-2025**

To consider whether Keswick Town Council should respond to the Allerdale Borough Council consultation on proposed changes to the Statement of Gambling Policy.

**15. Travelling by train to Hospital Outpatient Appointments in Newcastle**

To receive for information a report from Councillor Burn.

**16. Traffic Matters**

To consider a motion from Councillor Harwood to respond to a response to a letter from David McGowan, Lake District National Park Authority.

**17. Temporary Toilets at Keswick to Threlkeld Train**

To consider a motion from Councillor Titley as follows:

“That a Working Group of Keswick Town Council be formed to examine the possibility of ourselves working with Allerdale Borough Council, Lake District National Park Authority to enable a temporary toilet to remain in place at the Keswick end of the Keswick to Threlkeld Trail, as the current temporary

solution will be removed at the end of October. This could fill a stop-gap until permanent toilets are set up.”

**18. Foreshore**

To receive a verbal update from Councillor Terry.

**19. Clerk's Report**

To receive the Clerk's report.

**20. Reports from representatives on Outside Bodies**

i) Battersby Hall Charity – Councillor Lywood.

**21. Liaison Meetings**

To receive the notes of the Cumbria Association of Local Councils three tier Meetings for 17 September 2020 and 25 May 2021.

**22. Events Committee**

To receive for information the minutes of the Events Committee minutes dated 18 May 2021 (pages 11-12), 1 June 2021 (page 1) and 23 August 2021 (Pages 2-3).

To: All Councillors, Police, Press, Library

**KESWICK TOWN COUNCIL**

Minutes of the meeting of Keswick Town Council held at the Council Chamber, Town Hall, Keswick on Thursday 19<sup>th</sup> August 2021 at 7.30 pm.

**Present:****Chairman**

Councillor Alan Dunn

**Councillors**

David Burn

Allan Daniels

Duncan Miller

Paul Titley

Alexandra Boardman

Steve Harwood

Adam Paxon

Markus Campbell Savours

Sally Lansbury

Peter Terry

Also present were Vivien Little (Town Clerk), 1 member of the press, and 4 members of the public

**76. Apologies**

Apologies for absence were received from Councillor Lywood.

**77. Minutes**

**RESOLVED** that the Chairman be authorised to sign as a correct record the minutes of the Town Council meeting held on the 15 July 2021 (pages 13-17).

**78. Requests for Dispensations**

The Clerk reported that no requests for dispensations had been received.

**79. Declarations of Interests**

Councillor Burn declared a personal interest in planning application number 7/2021/2222 as the adjoining semi-detached was owned by close friends. He would remain in the room, but not vote on this item.

Councillor Terry declared a personal interest in planning application number 7/2021/2222 as he lived next to the property. He would remain in the room and vote on the item.

**80. Police Report**

**RECEIVED** the report of the Allerdale Rural Neighbourhood Policing Team.

**81. Matters to be received from the Public**

A member of the public wished to raise an objection in regard to planning application 7/2021/2199. They first of all stated that they appreciated the opportunity to state their views in a public forum. Whilst they wanted to stress that they were not against Keswick Youth Club, they felt that a car park in that place was inappropriate and dangerous, especially given the number of children who live in the terrace row of houses in the same area. There is no other car park in Keswick which impinges on properties in the same way that this proposed car park does. They acknowledged that Highways had no objection to the application, however they felt that the junction coming out of the proposed car park was extremely dangerous. They also expressed grave concern that the Youth Club had not consulted with the residents on the site.

A second member of the public also wished to raise an objection in regard to planning application 7/2021/2199. They also expressed concern that the Youth Club had not contacted residents to discuss the application. There had been no consideration given to the local residents who had been there for a long time, and who now felt that if the car park happened, they couldn't use their gardens, as they would be concerned about the safety of their children.

Councillor Campbell-Savours addressed the members of the public as the Town Council's appointed Outside Body representative for the Youth Club, and he agreed to meet with them when he could and discuss the lack of communication with them.

**82. Matters to be raised by Councillors**

Councillor Daniels showed a photograph of the Moot Hall which was currently surrounded by scaffolding. He stated that the large advertising sign on the scaffolding would be reduced. The other banner was there without permission, and as that room was sub-let by the Lake District National Park Authority, Councillors suggested that it would be an idea to write to the LDNPA to inform them that the banner is inappropriate in that location.

Councillor Terry then stated that he apologised with regard to the email which he sent to Councillor Lywood following last month's debate over the placement of the Speed Indicator Device on Chestnut Hill, and as far as he was concerned, the episode was closed.

**83. Applications for Development**

- i) **RESOLVED** that the following observations be submitted to the Lake District National Park Authority:

<b>Plan Ref.</b>	<b>Description of Development Location</b>
7/2021/2091	Demolish single storey extension to rear and form two storey and single storey extension to rear Skiddaw Glen 11a, Blencathra Street, Keswick, CA12 4HW <i>Support in principle – subject to the design of the first floor bathroom extension being reduced in height by extending the existing roof down in lieu of the gable end proposed taking note of the objection raised by the neighbouring property at Gower</i> <b>SUPPORT</b>
7/2021/2172	Provision of 2 no. conservation style rooflights to the front elevation, replacement of existing rooflight with 1 no. dormer window and 1 no. conservation style rooflight to the rear elevation of the property 2, High Street, Keswick, CA12 5AQ <i>No comments made</i> <b>SUPPORT</b>
7/2021/2185	Conversion of part of garage into additional bedroom, involving lifting the existing garage roof and replacing 15, Lakeland Park, Keswick, CA12 4AT <i>No comments made</i> <b>SUPPORT</b>
7/2021/2190	Consent to display 1No. Externally illuminated wrap around fascia. 1No. Externally illuminated projection sign. Boots The Chemists Ltd, 31, Main Street, Keswick, CA12 5BL <i>No comments made</i> <b>SUPPORT</b>
7/2021/2191	Replacement single & two storey rear extension, replacement windows & doors, front porch, solar panels & garden bike store 5, St Herbert Street, Keswick, CA12 4DF

*Support in principle what is a well considered scheme of alterations and extension to the existing dwelling providing improved living accommodation to modern standards. However we are concerned about the proposal to incorporate solar panels on the front west facing roof in an area being considered as an extension of the Conservation Area taking in older traditional buildings*

**SUPPORT**

7/2021/2195

Increasing size of front and rear dormer windows

21, High Hill, Keswick, CA12 5NY

*Although not in the Conservation Area we object to the non traditional form and detail of extended roof dormer windows proposed given the traditional detail of the existing building*

**OBJECT**

7/2021/2199

Proposed temporary car park and store building

Keswick Youth Centre, The Old Mill, Main Street, Keswick, CA12 5NJ

*This would be an inappropriate development in what is a confined residential area. We have concerns over the health and safety of residents and their children whose space to socialise immediately outside their homes is restricted to this area. We also have safety concerns about drivers exiting the proposed car park because of the restricted view of High Hill afforded to drivers*

**OBJECT**

7/2021/2200

Change of use from Class C1 (B&B) to Class C3 for use as a Holiday Let

43 , Eskin Street, Keswick, CA12 4DG

*Keswick Town Council wish to object to any further change of use from C1 to C3 (holiday let) category. We feel there is a sufficient number of holiday lets within the town and any further loss of C1 businesses reduces the diversity of accommodation within the town. Eskin Street is primarily a residential area, and we have concerns over the social and environmental impact of this proposed change. Given that this property is unlikely to be mixed hereditament, we also have concerns regarding how the 'one family group' condition would be managed.*

**OBJECT**

7/2021/2202

Use of building as seven self-contained, short-term, holiday letting accommodation suites (Use Class C1)

Howe Keld, 5-7, The Heads, Keswick, CA12 5ES

For information only, no comments required

7/2021/2205

Alterations and extensions to dwelling including the demolition of flat roofed garage and conservatory and construction of an independent connected annexe

13, Briar Rigg, Keswick, CA12 4NN

*Support – subject to condition that it is retained as one dwelling and the independent annexe is not used for holiday letting purposes*

**SUPPORT**

7/2021/2207

Single storey rear extension and alterations  
Crispin Way, Manor Brow, Keswick, CA12 4BA  
*No comments made*

**SUPPORT**

7/2021/2209

Amendment to design, Condition No. 2 (plans) on planning permission ref. 7/2015/2271 for the construction of a single storey bedroom extension, conservatory, front porch and a first floor extension to accommodate a new stair with access to a first floor seating area

Riverside, Crosthwaite Road, Keswick, CA12 5PG

*No comments made*

**SUPPORT**

7/2021/2212

Amendment to local occupancy to correspond with House Provision SPD May 2021, condition 3 on planning permission 7/2013/2115, Erection of single dwelling

Land Adj The Screes, Chestnut Hill, Keswick, CA12 4LR

*Support – this Local Occupancy Clause area change is in line with LDNPA's Housing Document published in May 2021*

**SUPPORT**

7/2021/2214

Replace 6 single glazed windows with like-for-like double glazed replacements

2- Twentyman Court, Penrith Road, Keswick, CA12 4HQ

*No comments made*

**SUPPORT**

7/2021/2216

Replacement of existing conservatory with larger sunroom and minor amendments to existing raised patio to suit new outline

The Hill, Lonsties, Keswick, Cumbria, CA12 4TD

*No comments made*

**SUPPORT**

7/2021/2217

Alterations to shop front, installation of air conditioning units and internal alterations

85 - 87 Main Street, Keswick, Cumbria, CA12 5DT

*No comments made*

**SUPPORT**

7/2021/2218

Alterations to shop front, installation of air conditioning units and internal alterations

85 - 87 Main Street, Keswick, Cumbria, CA12 5DT

*No comments made*

**SUPPORT**

7/2021/2222

Extensions, alterations and flood resilience works  
Peel Green, High Hill, Keswick, CA12 5PB

*Support in principle subject to the hard paved areas around the new extension being in a permeable finish*

**SUPPORT**

7/2021/2226

Change of use from guest house to holiday let  
51, Helvellyn Street, Keswick, CA12 4EP

*Keswick Town Council wish to object to any further change of use from C1 to C3 (holiday let) category. We feel there is a sufficient number of holiday lets within the town and any further loss of C1 businesses reduces the diversity of accommodation within the town. Given that this property is unlikely to be mixed hereditament, we also have concerns regarding how the 'one family group' condition would be managed.*

**OBJECT**

ii) **RECEIVED** an update on National Park planning decisions.

**84. Licensing Applications**

**RECEIVED** Licensing Group report on licensing applications received.

**85. Mayor's Report**

**RECEIVED** details of the Mayor's engagements and meeting attendance for the period 9 July 2021 – 12 August 2021.

**86. Planning Motion**

Consideration was given to a motion from Councillor Daniels to ask Keswick Town Council to support a motion from Steve Reed, MP, Shadow Secretary for Communities and Local Government, the wording as follows:

*'Planning Works best when developers and the local community work together to shape local areas and deliver necessary new homes; and therefore calls on the Government to protect the right of communities to object to individual planning applications.'*

**RESOLVED** that Councillor Daniels' motion be supported, and a letter be sent to Steve Reed in support of the motion.

**87. Transport for the North Consultation**

Consideration was given to a motion from Councillor Lansbury which requested that Keswick Town Council prepared a response to the strategy

**RESOLVED** that Councillor Lansbury and Councillor Titley as part of the Climate Change Working Group be given delegated authority to respond to this consultation on Keswick Town Council's behalf, and any Councillors who wished to contribute to the consultation response should submit their thoughts to Councillors Lansbury and Titley.

**88. Reports from Ward Representatives**

**RECEIVED** reports from the following representatives:

i) LDNPA North Distinctive Area Parishes Representative:-  
**RECEIVED** the report of the LNDPA North Distinctive Area Parishes Representative.

ii) Allerdale Borough Council:-  
Councillor Daniels stated that Allerdale Environmental Health was looking into the noise at the Crafty Baa, as there an increased level of noise especially at night.



Councillor Campbell-Savours gave an update regarding the holiday home neighbourhood watch scheme, with some properties being identified as being in breach of conditions. Allerdale Borough Council were beginning to take action regarding this.

Councillor Lansbury gave an update on the Station Platform and the toilets, as negotiations on the lease had not completed. There was a meeting scheduled with the Allerdale Borough Council Leader, Councillor Mike Johnson, and Allerdale BC were looking into the Changing Places funding to help toilets for disabled there.

- iii) Cumbria County Council – no update was provided.

**89. Payment of Accounts**

**RESOLVED** that the accounts for August 2021 as approved by the Inspection Committee be authorised for payment for:

- i) For the Town Council , vouchers 95 – 109, amounting to £38,498.51 (thirty eight thousand, four hundred and ninety eight pounds and fifty one pence)
- ii) For the Trusts, vouchers HP69 – FP79, amounting to £12,196.88 (twelve thousand one hundred and ninety six pounds and eighty eight pence)

**90. Quarterly Budgets**

**RECEIVED** for information the quarterly budgets comparison.

**91. Traffic Concerns**

Consideration was given to a motion from Councillor Harwood.

**RESOLVED** that a letter be written to Cumbria County Council supporting Councillor Harwood's motion.

**92. Policy Adoptions**

**RESOLVED** to adopt the following policies for Keswick Town Council:

- i) Data Protection Policy
- ii) Data Breach Policy
- iii) Privacy Policy

**93. Clerk's Report**

Consideration was given to the Clerk's report.

**RESOLVED** that:

- i) no response to be given to the National Resilience Strategy;
- ii) that Keswick Town Council do not remain in the Rural Market Towns Group; and
- iii) that no further action is taken regarding busking.

**Prior to the following business the Chairman moved the following resolution:**

*'That under the Public Bodies (Admission to Meetings) Act 1960, the public and representatives of the press and broadcast media be excluded from the meeting during the consideration of the following items of business as publicity would be prejudicial to the public interest because of the confidential nature of the business to be transacted'*

**94. Staffing Committee**

**RECEIVED** for information the minutes of the Staffing Committee meeting dated Friday 16 July 2021 (pages 5-6) and Monday 2 August 2021 (pages 7-9).

The meeting closed at 9.40 p.m.

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Chairman




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Date

**Ania Mlynczak**


**From:** Cumbria Police <CumbriaPolice@public.govdelivery.com>  
**Sent:** 18 August 2021 16:14  
**To:** Ania Mlynczak  
**Subject:** August 2021 - Cockermouth & Keswick

[View in browser](#)

 Contact us	 Report a crime	 Allerdale Police Facebook Page
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# ALLERDALE FOCUS

FOR A SAFER COMMUNITY



August 2021 - Cockermouth & Keswick

Please let us know how useful these newsletter updates are, [Click Here](#)

**Cumbria Police and Crime Commissioner supports Cockermouth Wasps to improve Community facilities.**



**Peter McCall**

A representative of Cockermouth Wasps said "We are delighted to have been successful with our bid to the PCC fund.

"This will fund an astro turf sprint lane to our outdoor training area.

"This will not only benefit our rugby training sessions but add value to our outdoor gym which is a community asset which gets used by a wide range of users."

PCSO Parker who supported this funding application said "It is important that Cumbria PCC and Cumbria Police support local communities such as this.

"The work Cockermouth Wasps do in the local area to improve the feel of the area, bring the community together while diverting many children into productive meaningful activities is hugely appreciated by the local Community.

"By supporting this funding bid we have allowed that work to continue, I am very proud to have been part of this funding bid, but I would like to thank Cockermouth Wasps for the hard work they do daily in this community"



## Keswick Christian Convention

The Keswick Christian Convention finished on 6th August having run for three weeks.

Officers and PCSO's have patrolled the town daily throughout the event.

The event has been very positive good willed with many positive engagements with local residents and tourists.

We thank everyone for helping us to have a positive event, which was enjoyed by those visiting and the local community.

## ASB Week 19th July - 23rd July 2021 in West Cumbria

West Cumbria Youth Council (WCYC) were supporting Cumbria Police to promote anti-social behaviour week.

They were to be found in Aspatria, Workington town centre and Silloth green on what felt like the hottest days of the year!

Their mission was to help inform young people on how to report anti-social behaviour and to raise awareness of what that behaviour could look like.

Anti-social behaviour comes in many different forms, from dog fowling, fly tipping, unwanted graffiti, to being intimidated in the street or where you live and even online.



WCYC wanted to raise awareness of online hate crime, the likes of which we saw directly after the Euro football final, where players experienced race hate and online harassment and bullying.

In order to help other young people to understand the impact and to contribute to a more positive environment in which we live, we had a Marcus Rashford Wall of Respect. Young people were encouraged to write their positive affirmations and anti-bullying messages and pin them to our wall. We had some lovely comments from young people, including "Kindness is free" "Racism isn't ok" and "Respect each other, it's that simple". We wanted to show the empathy and kindness of others exists, especially in young people, who sometimes get hard press when it comes to anti-social behaviour, and how words can change perspectives and unite each other.

Our Member of Youth Parliament Aaron Kelly was also in attendance and was on hand to collect suggestions from young people to help combat ASB. Most, if not all, indicated that there was more need for safe places for young people to hang out with friends and facilities in order to combat boredom.

Both Aaron and his deputy Josh Gillson are keen to press the importance of positive roles models, such as Marcus Rashford, for young people to look up to. The display will be going up in a local library (venue tbc) soon, in order to further encourage the messages and positivity and for others to add to if they wish to. WCYC would like to thank Cumbria Police for the opportunity to support them with this initiative. Anna Todd - Participation Officer

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## Cockermouth community issues

● Following reports from the public of fly tipping and ASB at different locations in Cockermouth.

PCSO5375 conducted joint patrols in these areas with colleagues from Allerdale Enforcement Team and PC 1197 Pettit from our Collision Reduction Team. During these patrols we engaged with many members of the community, identified some fly tipping that we have since arranged for removal.

We are progressing a multi-agency operation to challenge these issues across the Allerdale area. Please keep vigilance report any issues via the MyAllerdale App available in the app store or on google play or visit - [myAllerdale portal](#)

● PCSO 5375 was on Main Street, Cockermouth to discuss any matters in relation to ASB/Crime. Although no one specifically made the event to speak to us, we did engage with local shops and businesses, who reported some issues around pedal cycles being used on the pavements by youths.

To challenge this we will be increasing patrols to the area, identifying youths and speaking to parents in the coming weeks. Please report issues to Cumbria Police via 101 or [101email@cumbria.police.uk](mailto:101email@cumbria.police.uk)

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# We are recruiting...



Come and speak to us about becoming an officer

Tuesday 31st August 2021

11:00 - 17:00

Lower Fitz Park, Keswick



## Crime Figures

Further information can be found on [Police.Uk](https://www.police.uk)

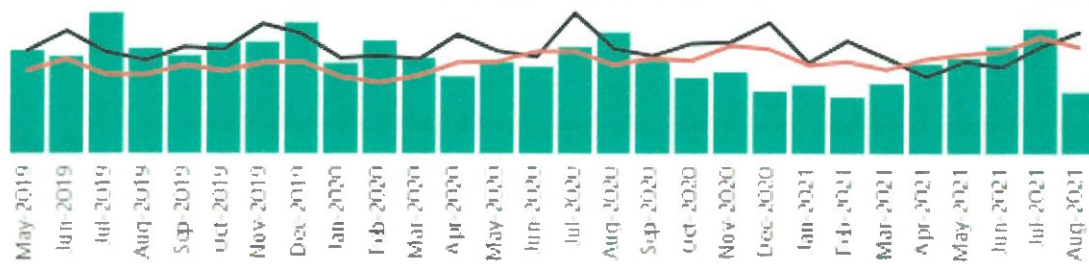
[Click here to visit the website](https://www.police.uk)

Please note the data contained on [Police.uk](https://www.police.uk) is not live time



OffenceGroup	Crimes	Same Period Last Year	Difference	% Change
Arson and Criminal Damage	6	2	6	300.0%
Burglary	2	5	-3	-60.0%
Drug offences	0	3	-3	-100.0%
Hate Incident	1	0	1	0.0%
Miscellaneous Crimes Against Society	1	3	-2	-66.7%
Possession of weapons offences	0	1	-1	-100.0%
Public order offences	12	12	0	0.0%
Reported Incidents	1	0	1	0.0%
Robbery	0	0	0	0.0%
Sexual offences	6	3	3	100.0%
Theft offences	23	21	2	9.5%
Vehicle Offences	3	1	2	200.0%
Violence against the person	36	49	-13	-26.5%
<b>Total</b>	<b>93</b>	<b>100</b>	<b>-7</b>	<b>-7.0%</b>

● Month Total ● Previous Year ● Average Previous 3 Years



Allerdale Police want you to report all anti-social behaviour and crime

Please report any incidents of crime or antisocial behaviour to us, to help us keep Allerdale safe.

If a crime is in progress always call 999.

To report a non emergency crime please call 101 or complete our non-emergency crime and incident reporting form [here](#).



To receive more policing news, sign up to our other area newsletters by clicking on the links below:

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[Maryport, Aspatria, Silloth & Wigton](#)

[Cumbria \(covering the whole county\)](#)



101



[101@cumbria.police.uk](mailto:101@cumbria.police.uk)



[www.cumbria.police.uk](http://www.cumbria.police.uk)



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· Carleton Hall · Penrith · Cumbria · CA10 2AU





## **Pedestrian crossing in Main Street**

In order to establish some evidence about the need for a pedestrian crossing in Main Street, I carried out a small sample survey. On Wednesday 1st September and Saturday 4th September I spent some time observing and counting the number of people who crossed the stretch of road between the Tithebarn Street junction and the Parish Room, and what I saw was very worrying. 560 people crossed in the four separate hours I spent (an average of 140 per hour), and most of them had to dodge through traffic. Elderly people had to sprint to get across in small gaps between vehicles, and two unaccompanied children carrying ice creams dithered in the middle not being sure whether it was safe to proceed. There were four children in prams and pushchairs, two disabled adults in motorised buggies and forty-two dogs, all of which made crossing more difficult and dangerous.

The Green Cross Code, which children are taught and which adults should follow, contains the following instructions:

- *If traffic is coming, let it pass.*
- *If you are not at a crossing wait until it is safe to cross.*
- *Once the traffic has passed look around again and listen.*
- *When it is safe and there is no traffic, walk straight across the road.*
- *NEVER run across the road because you might fall over and you might not get up in time.*

There is so much traffic at this location that it is impossible to follow these instructions. It will be difficult to find a solution to reconcile the needs of vehicles and pedestrians, but I feel strongly that the present situation is unacceptable. I am not an expert in traffic management, but I can see three or more possible options and we should not rule out any of these at this stage.

1. **A zebra crossing.** This would formalise the current situation, in that pedestrians would cross when they decided to and traffic would have to give way so as not to run them down.
2. **A pelican crossing.** A modern crossing, like the one at Bank Street, which automatically responds to the traffic flow by requiring pedestrians to wait until there is a gap, or until a reasonable time has passed, should not cause extended or frequent hold-ups. As with the zebra crossing it would have to be located some distance from the junction so that the roundabout was not blocked, and it is possible that many pedestrians would not walk to the crossing but still take their chance by crossing the road at the junction.
3. **Traffic lights at the junction incorporating pedestrian crossings.** This was suggested by Stuart Turnbull in a discussion on the *Keswick Reminder* Facebook page. It would allow pedestrians to cross safely at the place they want, and if traffic-actuated it would allow vehicles to proceed in a steady stream when the lights for their lane were green, without the stop-start hesitancy necessitated by the roundabout.

As there is still a planning requirement for Premier Inn to pay for a crossing, I hope that this contribution could be applied to whatever option is chosen. At the last Council meeting some Councillors said that we should seek a full survey and professional advice, and I hope that this can be accepted and arranged.

**Planning Applications received between 13/08/2021 - 09/09/2021**

Plan ref	Location	Description of Proposed Development
7/2021/2184	37, Station Road, Keswick, CA12 4NB	Insertion of roof lights, removing side door to access track and infill with slate, replace existing timber sash windows with like for like timber double glazed sash windows
7/2021/2210	Foxton Garth, Lonsties, Keswick, CA12 4TD	First floor balcony to front elevation of detached house
7/2021/2224	37, Eskin Street, Keswick, CA12 4DG	Change of use from Guest House (C1) to Holiday Letting Accommodation (C3)
7/2021/2229	Nandi Hills, Lonsties, Keswick, CA12 4TD	Proposed extensions and alterations to existing dwelling including demolition of existing single storey garage/utility room – Variation of condition 2 of planning permission 7/2020/2171 to allow amendments to design previously approved
7/2021/2232	87a, Main Street, Keswick, CA12 5DT	To replace all four timber windows at the rear of the property of which are decaying with like for like UPVC composite wood effect opening/fully functional sash windows (the two first floor windows would be of dark wood look and the two second floor windows would be of white wood look)
7/2021/2245	Larry's Lodge, 39 Eskin Street, Keswick, CA12 4DG	Change of use from guest house (Class C1) to residential dwelling (Class C3)
7/2021/2254	Land at Vendace Court, Borrowdale Road, Keswick, CA12 4EU	Erection of single storey dwelling with associated parking for affordable local occupancy
7/2021/2257	Toll Bar Cottage, Penrith Road, Keswick, CA12 4JR	(CLEUD - Certificate of Lawfulness of Existing Use or Development)Use of The Annex at Tollbar cottage as an independent dwelling
<p><b>NOTICE TO THE PUBLIC:</b> Interested parties are invited to let the Town Clerk have their comments, in writing or via email to: <a href="mailto:townclerk@keswicktowncouncil.gov.uk">townclerk@keswicktowncouncil.gov.uk</a>, prior to the meeting regarding any of the planning applications on this sheet.</p>		

Decisions Received from LDNPA

Planning Decisions Received between 13/08/2021 & 09/09/2021

Plan Ref	Date of Application	Location	Postcode	Description	KTC Observations	LDNPA Decision	Appeal	Appeal Decision
1604.43	May-21	Land at Acorn House, Keswick	CA12 4DL	Tree Preservation (No 430) Order 2021	SUPPORT	GRANTED		
7/2021/0110	July-21	Keswick Ministries, Skiddaw Street, Keswick	CA12 4BY	Oak tree (Tree 1 in application) - Fell to ground level. Ash tree (Tree 2 in application) - Fell to ground level. 5 x Oak trees (Trees 3 - 7 in application) - Remove deadwood (exempt works).	SUPPORT	GRANTED		
7/2021/2091	July-21	Skiddaw Glen 11a, Blencathra Street, Keswick	CA12 4HW	Demolish single storey extension to rear and form two storey and single storey extension to rear	SUPPORT	GRANTED		
7/2021/2169	June-21	16, Springs Road, Keswick	CA12 4AQ	Gable and dormer extension, minor alterations to existing approval ref: 7/2020/2288	OBJECT	GRANTED		
7/2021/2178	June-21	18 A, St Johns Street, Keswick	CA12 5AS	Flat roof terrace	SUPPORT	GRANTED		
7/2021/2180	June-21	Oakden, Armbleside Road, Keswick	CA12 4DL	Side extension	OBJECT	GRANTED		
7/2021/2185	August-21	15, Lakeland Park, Keswick	CA12 4AT	Conversion of part of garage into additional bedroom, involving lifting the existing garage roof and replacing	SUPPORT	GRANTED		
7/2021/2207	July-21	Crispin Way, Manor Brow, Keswick	CA12 4BA	Single storey rear extension and alterations	SUPPORT	GRANTED		
7/2021/2209	July-21	Riverside, Crosthwaite Road, Keswick	CA12 5PG	Amendment to design, Condition No. 2 (plans) on planning permission ref: 7/2015/2271 for the construction of a single storey bedroom extension, conservatory, front porch and a first floor extension to accommodate a new stair with access to a first floor seating area	SUPPORT	GRANTED		
7/2021/2212	July-21	Land Adj The Screens, Chestnut Hill, Keswick	CA12 4LR	Amendment to local occupancy to correspond with House Provision SPD May 2021, condition 3 on planning permission 7/2013/2115, Erection of single dwelling	SUPPORT	GRANTED		
7/2021/2216	July-21	The Hill, Lonsties, Keswick, Cumbria	CA12 4TD	Replacement of existing conservatory with larger sunroom and minor amendments to existing raised patio to suit new outline	SUPPORT	GRANTED		



**WHP Telecoms Ltd, Helena House, Troy Mills, Troy Road, Leeds LS18 5GN**

Our Ref: 235462

16<sup>th</sup> August 2021

The Town Clerk  
Keswick Town Council  
50 Main Street  
KESWICK  
CA12 5JS

Dear Sir / Madam,

**PROPOSED COMMUNICATIONS INSTALLATION FOR CELLNEX AT  
BASSENTHWAITE, WYTHOP WOODS, BASSENTHWAITE, KESWICK,  
CUMBRIA, CA12 4QZ. NGR: E: 320600, N: 530400**

WHP act as agents for Cellnex.

This letter is to draw your attention to a forthcoming formal planning submission to be submitted by WHP on behalf of Cellnex for an upgrade to existing equipment. The purposes of this letter are to give you details of this minor upgrade, supply the drawings and to provide contact details should you wish to enquire about it.

Cellnex owns, hosts and operates shared radio telecommunications infrastructure. It owns and operates the UK's TV and radio broadcasting transmitter network and it hosts a large number of other radio communications services on its sites.

**Please see below further information on the proposal:**





**WHP Telecoms Ltd, Helena House, Troy Mills, Troy Road, Leeds LS18 5GN**

Bassenthwaite  
Wythop Woods  
Bassenthwaite  
Keswick  
Cumbria  
CA12 4QZ

NGR: E: 320600, N: 530400

Description of proposed development:

PROPOSED UPGRADE TO THE EXISTING 35.0M TELECOMMUNICATIONS APPARATUS. PROPOSED EE 3No. COMMSCOPE ANTENNAS AT 28.0m TO BE INSTALLED. PROPOSED EE 6No. RRU's AT 28.0m TO BE INSTALLED. PROPOSED EE 3No. BOB's AT 28.0m TO BE INSTALLED. PROPOSED EE 1No. AIRO CABINET TO BE INSTALLED. PROPOSED EE 3No. BOB UNITS TO BE INSTALLED. EE 3No. COMMSCOPE ANTENNAS AT 28.0m TO BE REMOVED. EE 3No. COMMSCOPE MHA's AT 28.0m TO BE REMOVED. EE 3No. MHA's AT 28.0m TO BE REMOVED. EE 1No. BTS3900A CABINET TO BE REMOVED AND ASSOCIATED ANCILLARY WORKS (FOR FULL DETAILS PLEASE REFER TO THE ENCLOSED DRAWINGS).

Cellnex is committed to keeping local communities informed of its plans and this letter includes details about the proposal and provides contact details should you wish to make further enquiries.

We are preparing to make an application to the local planning authority and it is possible that in due course the authority may notify you about it.

If you have any comments about the proposal, please contact us within the next ten days so that your views can, if practicable, be taken into account before we make the application.

My contact details are given below.

Yours faithfully,

Julia Marshall  
[j.marshall@whptelecoms.com](mailto:j.marshall@whptelecoms.com)

**On behalf of Cellnex UK**

**KESWICK TOWN COUNCIL**

**TOWN COUNCIL MEETING 16TH SEPTEMBER 2021**

**MAYOR'S ENGAGEMENTS & MEETING ATTENDANCE**

For period 13<sup>th</sup> August 2021 – 9<sup>th</sup> September 2021

Sunday 15 <sup>th</sup> August	The Mayor of Workington Civic Service, attended by deputy Mayor, Councillor Steve Harwood
Tuesday 17 <sup>th</sup> August	Happy to Chat Bench Launch
Friday 20 <sup>th</sup> August	Theatre By the Lake- Audio Adventures Launch
Monday 23 <sup>rd</sup> August	Events Committee Meeting, held in Council Chamber
Sunday 5 <sup>th</sup> September	Mayor of Aspatria Civic Service
Sunday 5 <sup>th</sup> September	Pop and Prom, held at Fitz Park
Monday 6 <sup>th</sup> September	Keswick Mountain Festival Meeting

## **Report from the North DA Parishes Member of the LDNPA – August 2021**

August is often light on formal meetings, and the only one I have had to attend this month was DCC on 4<sup>th</sup> August. One of the planning applications (7/2021/5387) was before us because, in the words of the officer's report, "approval would represent a departure from Development Plan policy". Nevertheless, the recommendation was "Approve with Conditions".

The proposal related to a dwelling house in Ambleside with six bedrooms currently in multiple occupation (Use Class C4). Permission was being sought to add a dormer to the rear-facing roof elevation and for a change of use of the building to a dwelling house (Use Class C3), which the applicants then intended to use for holiday letting. There was no local occupancy restriction in place. While Lakes Parish Council had no objections to the dormer element of the proposal, their comments on the change of use were:

*Recommend refusal - Refusal of the change of use to a holiday let from a house of multiple occupation on the grounds that this would be a loss of important accommodation for the community and this should be resisted.*

The proposed change of use was also where the tension with policy lay. Normally, new holiday accommodation would not have been acceptable because of a conflict with Policies 15 and 18. The officer's report explained the reason for her recommendation as follows:

*However, the Government grants planning permission for change of use from a house in multiple occupation (use class C4) to a dwelling house (use class C3) without planning application (known as a permitted development). Therefore, even if permission was refused, the change of use could likely go ahead without a planning application. This is a strong material consideration which outweighs the policy position in this case.*

As the application was acceptable in all other respects, Members voted to accept the recommendation and approve the application with conditions.

During the last year, the LDNPA has undergone a significant internal reorganisation. The Park Management and Strategy and Partnerships services have been merged to form the Strategy and Rangers Service and Hanna Latty has become its new Head of Service. A number of staff have left the organisation and some have taken on different roles within it. Among the latter is Cath Johnson, who had been the Area Ranger for the North DA since 2014. I am now able to say that a new Area Ranger has been appointed for our DA. Carl Bradford, who comes to us from the Peak District NPA, will take up his post on October 4<sup>th</sup> and I shall supply you with his contact details when I have them. In the meantime, please continue to refer matters that you would have addressed to Cath Johnson to Chris Tomlin<sup>1</sup>, who is the Ranger Team Leader for the East and North Distinctive Areas.

Geoff Davies

[Geoff.Davies@lakedistrict.gov.uk](mailto:Geoff.Davies@lakedistrict.gov.uk)

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<sup>1</sup> Chris.Tomlin@lakedistrict.gov.uk

## Section 1 – Annual Governance Statement 2020/21

We acknowledge as the members of:

### KESWICK TOWN COUNCIL

our responsibility for ensuring that there is a sound system of internal control, including arrangements for the preparation of the Accounting Statements. We confirm, to the best of our knowledge and belief, with respect to the Accounting Statements for the year ended 31 March 2021, that:

	Agreed		Yes means that this authority:
	Yes	No*	
1. We have put in place arrangements for effective financial management during the year, and for the preparation of the accounting statements.	✓		prepared its accounting statements in accordance with the Accounts and Audit Regulations.
2. We maintained an adequate system of internal control including measures designed to prevent and detect fraud and corruption and reviewed its effectiveness.	✓		made proper arrangements and accepted responsibility for safeguarding the public money and resources in its charge.
3. We took all reasonable steps to assure ourselves that there are no matters of actual or potential non-compliance with laws, regulations and Proper Practices that could have a significant financial effect on the ability of this authority to conduct its business or manage its finances.	✓		has only done what it has the legal power to do and has complied with Proper Practices in doing so.
4. We provided proper opportunity during the year for the exercise of electors' rights in accordance with the requirements of the Accounts and Audit Regulations.	✓		during the year gave all persons interested the opportunity to inspect and ask questions about this authority's accounts.
5. We carried out an assessment of the risks facing this authority and took appropriate steps to manage those risks, including the introduction of internal controls and/or external insurance cover where required.	✓		considered and documented the financial and other risks it faces and dealt with them properly.
6. We maintained throughout the year an adequate and effective system of internal audit of the accounting records and control systems.	✓		arranged for a competent person, independent of the financial controls and procedures, to give an objective view on whether internal controls meet the needs of this smaller authority.
7. We took appropriate action on all matters raised in reports from internal and external audit.	✓		responded to matters brought to its attention by internal and external audit.
8. We considered whether any litigation, liabilities or commitments, events or transactions, occurring either during or after the year-end, have a financial impact on this authority and, where appropriate, have included them in the accounting statements.	✓		disclosed everything it should have about its business activity during the year including events taking place after the year end if relevant.
9. (For local councils only) Trust funds including charitable. In our capacity as the sole managing trustee we discharged our accountability responsibilities for the fund(s)/assets, including financial reporting and, if required, independent examination or audit.	Yes	No	N/A
	✓		has met all of its responsibilities where, as a body corporate, it is a sole managing trustee of a local trust or trusts.

\*Please provide explanations to the external auditor on a separate sheet for each 'No' response and describe how the authority will address the weaknesses identified. These sheets must be published with the Annual Governance Statement.

This Annual Governance Statement was approved at a meeting of the authority on:

17.06.21

and recorded as minute reference:

MIN NO. 116

Signed by the Chairman and Clerk of the meeting where approval was given:

Chairman

SIGNATURE REQUIRED

Clerk

SIGNATURE REQUIRED

www.keswicktowncouncil.gov.uk ONLY AVAILABLE WEBSITE/WEBPAGE ADDRESS




## Section 2 – Accounting Statements 2020/21 for

### KESWICK TOWN COUNCIL

	Year ending		Notes and guidance
	31 March 2020 £	31 March 2021 £	
1. Balances brought forward	236,701	249,816	<i>Total balances and reserves at the beginning of the year as recorded in the financial records. Value must agree to Box 7 of previous year.</i>
2. (+) Precept or Rates and Levies	261,777	270,641	<i>Total amount of precept (or for IDBs rates and levies) received or receivable in the year. Exclude any grants received.</i>
3. (+) Total other receipts	52,520	48,308	<i>Total income or receipts as recorded in the cashbook less the precept or rates/levies received (line 2). Include any grants received.</i>
4. (-) Staff costs	56,852	63,251	<i>Total expenditure or payments made to and on behalf of all employees. Include gross salaries and wages, employers NI contributions, employers pension contributions, gratuities and severance payments.</i>
5. (-) Loan interest/capital repayments	0	0	<i>Total expenditure or payments of capital and interest made during the year on the authority's borrowings (if any).</i>
6. (-) All other payments	244,330	235,468	<i>Total expenditure or payments as recorded in the cashbook less staff costs (line 4) and loan interest/capital repayments (line 5).</i>
7. (=) Balances carried forward	249,816	270,046	<i>Total balances and reserves at the end of the year. Must equal (1+2+3) - (4+5+6).</i>
8. Total value of cash and short term investments	275,687	257,912	<i>The sum of all current and deposit bank accounts, cash holdings and short term investments held as at 31 March – To agree with bank reconciliation.</i>
9. Total fixed assets plus long term investments and assets	46,942	70,610	<i>The value of all the property the authority owns – it is made up of all its fixed assets and long term investments as at 31 March.</i>
10. Total borrowings	0	0	<i>The outstanding capital balance as at 31 March of all loans from third parties (including PWLB).</i>
11. (For Local Councils Only) Disclosure note re Trust funds (including charitable)	Yes	No	<i>The Council, as a body corporate, acts as sole trustee for and is responsible for managing Trust funds or assets.</i>
	✓		

I certify that for the year ended 31 March 2021 the Accounting Statements in this Annual Governance and Accountability Return have been prepared on either a receipts and payments or income and expenditure basis following the guidance in Governance and Accountability for Smaller Authorities – a Practitioners' Guide to Proper Practices and present fairly the financial position of this authority.

Signed by Responsible Financial Officer before being presented to the authority for approval

 REQUIRED

Date

16.06.2021

I confirm that these Accounting Statements were approved by this authority on this date:

17.06.21

as recorded in minute reference:

MIN NO. 47

Signed by Chairman of the meeting where the Accounting Statements were approved

 REQUIRED

### Section 3 – External Auditor Report and Certificate 2020/21

In respect of

KESWICK TOWN COUNCIL- CU0133

#### 1 Respective responsibilities of the body and the auditor

This authority is responsible for ensuring that its financial management is adequate and effective and that it has a sound system of internal control. The authority prepares an Annual Governance and Accountability Return in accordance with *Proper Practices* which:

- summarises the accounting records for the year ended 31 March 2021; and
- confirms and provides assurance on those matters that are relevant to our duties and responsibilities as external auditors.

Our responsibility is to review Sections 1 and 2 of the Annual Governance and Accountability Return in accordance with guidance issued by the National Audit Office (NAO) on behalf of the Comptroller and Auditor General (see note below). Our work **does not** constitute an audit carried out in accordance with International Standards on Auditing (UK & Ireland) and **does not** provide the same level of assurance that such an audit would do.

#### 2 External auditor report 2020/21

On the basis of our review of Sections 1 and 2 of the Annual Governance and Accountability Return (AGAR), in our opinion the information in Sections 1 and 2 of the AGAR is in accordance with Proper Practices and no other matters have come to our attention giving cause for concern that relevant legislation and regulatory requirements have not been met.

Other matters not affecting our opinion which we draw to the attention of the authority:

None.

#### 3 External auditor certificate 2020/21

We certify that we have completed our review of Sections 1 and 2 of the Annual Governance and Accountability Return, and discharged our responsibilities under the Local Audit and Accountability Act 2014, for the year ended 31 March 2021.

External Auditor Name

PKF LITTLEJOHN LLP

External Auditor Signature

PKF Littlejohn LLP

Date

03/09/2021

\* Note: the NAO issued guidance applicable to external auditors' work on limited assurance reviews in Auditor Guidance Note AGN/02. The AGN is available from the NAO website ([www.nao.org.uk](http://www.nao.org.uk))

# Keswick Town Council

## Notice of conclusion of audit

Annual Governance & Accountability Return for the year ended 31 March 2021

Section 20(2) and 25 of the Local Audit and Accountability Act 2014

Accounts and Audit Regulations 2015 (SI 2015/234)

<p>1. The audit of accounts for <b>Keswick Town Council</b> for the year ended 31 March 2021 has been completed and the account have been published.</p> <p>2. The Annual Governance &amp; Accountability Return is available for inspection by any local government elector of the area of <b>Keswick Town Council</b> on application to:</p> <p>(a) _____VIVIEN LITTLE, KESWICK TOWN COUNCIL, 50 MAIN STREET, KESWICK, CA12 5JS – <a href="mailto:townclerk@keswicktowncouncil.gov.uk">townclerk@keswicktowncouncil.gov.uk</a> _____</p> <p>(b) _____ AN APPOINTMENT MUST BE MADE FOR INSPECTION VIA EMAIL – MONDAY – THURSDAY ONLY _____ OFFICE CURRENTLY CLOSED DUE TO SHORT STAFFING _____</p> <p>3. Copies will be provided to any person on payment of £0.30 (c) for each copy of the Annual Governance &amp; Accountability Return.</p> <p>Announcement made by: (d) VIVIEN LITTLE _____</p> <p>Date of announcement: (e) <u>08.09.2021</u> _____</p>	<p>Notes</p> <p>This notice and Sections 1, 2&amp;3 of the Agar must be published by 30 September. This must include publication on the smaller authority's website. The smaller authority must decide how long to publish the Notice for, the AGAR and external auditor report must publicly available for 5 years.</p> <p>a. Insert the name, position and address of the person to whom local government electors should apply to inspect the AGAR</p> <p>b. Insert the hours during which inspection rights may be exercised</p> <p>c. Insert a reasonable sum for copying costs</p> <p>d. Insert the name and position of person placing the notice</p> <p>e. Insert the date of placing of the notice</p>
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# ALLERDALE BOROUGH COUNCIL



## **STATEMENT OF GAMBLING LICENSING POLICY**

**2022 - 2025**

**Allerdale Borough Council  
Licensing Department  
Allerdale House  
New Bridge Road  
Workington  
Cumbria  
CA14 3YJ**

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This Statement of Gambling Licensing Policy **will be presented to Council on 8 December 2021.**

All references to the "Guidance" refers to the Gambling Commission's Guidance to Local Authorities **published on 1 April 2021 and updated 13 May 2021.**

# Preface

The Gambling Act 2005 ('the act') contains the regulatory system to govern the provision of all gambling in Great Britain, other than the National Lottery and spread Betting. It came into force in late 2007. The vast majority of commercial gambling was brought together into a single regulatory framework.

The Gambling Commission (the Commission) is the unified regulator for gambling in Great Britain. In recognition of the potential local impact and importance of gambling the act designated Licensing Authorities to manage gambling locally.

The Commission does not regulate spread betting, which remains the responsibility of the Financial Services Authority. On 1<sup>st</sup> October 2013 the Commission took over the responsibilities of the National Lottery Commission to regulate the National Lottery etc. Act 1993.

The Commission has responsibility for granting operating and personal licences for commercial gambling operators and personnel working in the industry. It also regulates certain lottery managers and promoters. The Act sets out different types of operating licence that cover the full range of commercial gambling activities conducted in Great Britain. It also makes provision for the Commission to have powers of entry and inspection to regulate gambling, with safeguards for those subject to the powers.

Licensing Authorities have responsibility for licensing gambling premises within their area, as well as undertaking functions in relation to lower stake gaming machines in club and miner's welfare institutes. The Act also provides a system of temporary and occasional use notices. These enable authorisations of premises that are not licensed generally for gambling purposes, to be used for certain types of gambling for limited periods.

This statement of policy sets out the principles that Allerdale Borough Council propose to apply in exercising its functions under the Gambling Act 2005, in particular for managing the expectations in relation to operators with premises in the locality. Under the Gambling Act 2005, each local authority is required to prepare and publish their statement of policy every three years which must be consulted on. A list of consultees is shown at Appendix 1.

# Part A

## 1. The Licensing Objectives

1.1 In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

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

### 1.3 Statutory aim to permit gambling

The Act places a legal duty on the Commission and licensing authorities to aim to permit gambling in so far as it is reasonable consistent with the licensing objectives. The effect of this is that the functions must be approached in a way that seeks to regulate gambling by using their powers rather than to prevent it altogether.

This licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission
- in accordance with any relevant guidance issued by the Gambling Commission
- reasonably consistent with the licensing objectives (subject to the above) and
- in accordance with the authority's statement of licensing policy (subject to the above)

This licensing authority has no discretion to grant a premises licence which does not accord with the above. In exercising its functions it must also not take into account the expected demand for facilities or whether the application is likely to be permitted in accordance with the law relating to planning or building (S153 of the act).

In the event that a licensing authority perceives a conflict between a provision of a Commission code of practice or their guidance or this policy statement, the Act makes it clear that the Commission's codes and guidance take precedence.

### 1.4 Authorised Activities

1.4 'Gambling' is defined in the Act as either gaming, betting or taking part in a lottery:

- 'gaming' means playing a game of chance for a prize;



- 'betting' means making or accepting a bet on the outcome of a race, competition, or any other event; the likelihood of anything occurring or not occurring; or whether anything is true or not true;
- A 'lottery' is where persons are required to pay in order to take part in an arrangement, during the course of which one or more prizes are allocated by a process which relies wholly on chance.

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

## **2. Introduction**

- 2.1 Welcome to Allerdale Borough Council's Statement of Gambling Licensing Policy. Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from "time to time" and any amended parts re-consulted upon. The statement must be then re-published.
- 2.2 Allerdale is located in West Cumbria bordering the Solway Firth and Irish Sea as well as Carlisle and three district councils. The south east quarter of the Borough is covered by the Lake District National Park. The Borough has a population of approximately 97,000 living in approximately 46,600 properties. Allerdale is predominantly rural in nature. In the north of the Borough settlements are small and dispersed while the south contains the main urban centres. Approximately two thirds of the population live within the seven large settlements of Workington, Maryport, Cockermouth, Wigton, Aspatria, Keswick and Silloth.

Allerdale has three distinct components: the urban centres on the west coast; the dispersed hill farms, forests, fells and lakes of the Lake District National Park; and the rural and fertile Solway plains including the Coastal Area of Outstanding Natural Beauty stretching to the north towards Carlisle.

- 2.3 A map of the Council's area is included at Appendix 5.
- 2.4 Allerdale Borough Council consulted widely upon this statement before finalising and publishing. A list of those persons this authority consulted is provided at Appendix 1.
- 2.5 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- The Chief Officer of Police;
  - One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;

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

2.6 Our consultation will take place between 12 August 2021 and 30 September 2021 and we will follow best practice set out by the Department for Business, Energy and Industrial Strategy.

2.7 The full list of comments made and the consideration by the Council of those comments is available by request to the department named below.

2.8 The policy will be presented to Council on 8 December 2021 and will subsequently be published as required (date to be confirmed)

2.9 Should you have any queries regarding this policy statement please send them via e-mail or letter to the following contact:

Name: Licensing Department

Address: Allerdale House, Workington. Cumbria CA14 3YJ

E-mail: [licensing@allerdale.gov.uk](mailto:licensing@allerdale.gov.uk)

Tel: 03031231702

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

### **3. Declaration**

3.1 In producing the final statement, this licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the Guidance to the Licensing Authorities issued by the Gambling Commission, and any responses from those consulted on the statement.

### **4. Responsible Authorities**

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

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

4.2 In accordance with the suggestion in the Gambling Commission's Guidance to local authorities, this authority has consulted with both the Cumbria Safeguarding Children Board

and Cumbria County Council Children's Services. This Authority considers that Cumbria County Council Children's Services is best able to fulfil the role of advising the Authority about the protection of children from harm for the purposes of Section 157(b) of the Act.

- 4.3 The contact details of all the Responsible Authorities under the Gambling Act 2005 are available via the Council's website at: [www.allerdale.gov.uk](http://www.allerdale.gov.uk) and are listed at Appendix 2.

## 5. Interested Parties

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

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the 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, or
- c) represents persons who satisfy paragraph (a) or (b)"

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

- 5.3 This authority will not apply a rigid rule to its decision making and each case will be decided upon its merits. It will consider the examples of considerations provided in the Gambling Commission's Guidance for local authorities at Paragraphs 6.20 and 6.21.

- 5.4 It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.5 The Gambling Commission has recommended that the licensing authority states that interested parties may include trade associations and trade unions, and residents' and tenants' associations. This authority will not however generally view these bodies as interested parties unless they represent a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

- 5.6 Interested parties can be persons who are democratically elected such as Councillors and MP's. **This would include county, parish and town councillors.** No specific evidence of being asked to represent an interested person will be required as long as the Councillor/MP represents the ward likely to be affected. Likewise, Parish Councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (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 likely to be sufficient.

- 5.7 If individuals wish to approach Councillors to ask them to represent their views then care should be taken that the Councillors are not a Member of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Council's Licensing Department.

## **6. Exchange of Information**

- 6.1 Licensing Authorities are required to include in their statements the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.
- 6.2 The principle that this licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information. The licensing authority will also have regard to any Guidance issued by the Gambling Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.
- 6.3 Should any protocols be established as regards information exchange with other bodies then they will be made available. This authority will normally share the information it holds about licensed premises with the following persons or bodies:
- A constable or police force
  - an enforcement officer
  - another Licensing Authority
  - HMRC
  - The Gambling Appeal Tribunal
  - The Secretary of State
  - Scottish Ministers

The Licensing Authority will also exchange information as per Part 13 of the Guidance issued to Local Authorities.

- 6.4 Data Protection:** Allerdale Borough Council takes your privacy seriously and your data will be used to provide you with the services you request. It will be processed in accordance with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018. We may share your data with partner organisations where necessary to provide you with the services requested, or where we are legally required to do so. Failure to provide the necessary information may mean we are unable to provide you with the service you require. We will not use your data for marketing purposes unless we have gained your consent to do so. You have a number of rights in relation to your data. If you want to exercise any of these rights then you can do so by contacting the Information Governance and Data Protection Officer, Allerdale House, Workington, Cumbria, CA14 3YJ (tel: 0303 123 1702 /email:



[foi@allerdale.gov.uk](mailto:foi@allerdale.gov.uk)) or by using the Individuals' Rights form on our website. For further information please see the Privacy Notice and individuals' Rights section at [www.allerdale.gov.uk](http://www.allerdale.gov.uk). If you are dissatisfied with the way we have processed your data you may contact the Information Commissioner's Office at [www.ico.org.uk](http://www.ico.org.uk) ([paragraph being reviewed](#))

## **7. Compliance and Enforcement**

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

7.2 This licensing authority's principles are that:

The statutory principles of good regulation and the Regulators' Code is adhered to and it will be guided by the Gambling Commission's Guidance for local authorities and will endeavour to be:

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

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

7.4 This licensing authority is working towards a risk-based inspection programme, based on;

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

7.5 This may include test purchasing activities to measure the compliance of licensed operators with aspects of the Gambling Act. When undertaking test purchasing activities, this licensing authority will undertake to liaise with the Gambling Commission and the operator to determine what other, if any, test purchasing schemes may already be in place. Irrespective of the actions of an operator on their overall estate, test purchasing may be deemed to be an appropriate course of action.

7.6 The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other

permissions which it authorises. The Gambling Commission will be the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

## **8. The Licensing Framework**

### **8.1 Licensing Authority Functions**

#### **8.2 Licensing Authorities are required under the Act to:**

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

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

### **8.3 The Gambling Commission**

#### **8.4 The Gambling Commission has the following principle statutory functions:**

- Issuing operating and personal licences to gambling businesses and individuals occupying certain positions in the gambling industry, with appropriate conditions, and ensuring that holders of licences adhere to their terms
- Publishing codes of practice
- Publishing statutory guidance to licensing authorities

The Commission has a duty to advise the Government on gambling and its regulation by monitoring gambling and working closely with a range of regulatory partners.

#### 8.5 Codes of Practice

The Gambling Commission sets out their general licence conditions and associated codes of practice provisions (LCCP) under the Act. The codes of practice are set out within the second part of the LCCP. The codes specify a number of requirements, many of which relate to social responsibility issues.

#### 8.6 The Gambling Commission can be contacted at:

Gambling Commission  
 4<sup>th</sup> Floor  
 Victoria Square House  
 Birmingham  
 B2 4BP  
 Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)  
 Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

### 9. Local Risk assessments

- 9.1 The Commission's Licence Conditions and Codes of Practice (LCCP) which were revised and published in April 2018 formalised the need for operators to consider local risks.
- 9.2 Social Responsibility (SR) code 10.1.1 requires licensees to assess the local risk 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, they must take into account relevant matters identified in this policy statement.
- 9.3 Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk assessment must also be updated:
- When applying for a variation of a premises licence
  - To take account of significant changes in local circumstances, including those identified in this policy statement
  - Where there are significant changes at a licensee's premises that may affect their mitigation of local risks.

- 9.4 The SR provision is supplemented by an Ordinary Code provision that requires licensees to share their risk assessment with the licensing authority when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise at the request of the Licensing Authority. Both provisions took effect from April 2016.
- 9.5 Where concerns do exist, perhaps promoted by new or existing risks, the Licensing Authority will request that the licensee share a copy of its own risk assessment which will set out the measures the licensee has in place to address specific concerns. This practice should reduce the occasions on which a premises review and the imposition of licence conditions is required.
- 9.6 Where this policy statement sets out its approach to regulation with clear reference to local risks, the licensing authority will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence.
- 9.7 Allerdale Borough Council has issued a document called 'About Allerdale' which can be found at

[http://intra.allerdale.gov.uk/documentstore/Documents/About%20Allerdale\\_2018\\_final.docx](http://intra.allerdale.gov.uk/documentstore/Documents/About%20Allerdale_2018_final.docx)

This document pulls together information and intelligence about the Allerdale borough and its residents. The report is structured under five sections covering people and place, economy, health, resident perceptions and locality summaries. The latest available information and referenced data sources were used, and information comes from a wide range of sources including the 2011 Census, Office of National Statistics, Indices of Deprivation, Cumbria Intelligence Observatory and Allerdale resident surveys. The Cumbria Intelligence Observatory has a wealth of more detailed information by geographical area and by theme. The Observatory website contains useful summaries on a wide range of topics such as population, economy, health, housing, poverty and deprivation. This information should all be relevant in devising a local risk assessment. (Document under review)

- 9.8 The local risk assessment must be kept on the individual premises and be made available for inspection

The licensing authority would recommend that the following broad principles are considered by operators when making their risk assessment:

**Matters relating to children and young persons, including:**

Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds, leisure/community centres and entertainment venues such as bowling allies, cinemas etc

Any premises where children congregate including bus stops, café's, shops, and any other place where children are attracted



Areas that are prone to issues of youths participating in anti-social behaviour, including such activities as graffiti/tagging, underage drinking etc

Recorded incidents of attempted underage gambling.

Age verification policies including 'Think 21' and 'Think 25'.

Any underage testing results should be made available to licensing authorities.

**Matters relating to vulnerable adults, including:**

Information held by the licensee regarding self-exclusions and incidences of underage gambling

Gaming trends that may mirror days for financial payments such as pay days or benefit payments

Arrangement for localised exchange of information regarding self-exclusions and gaming trends

Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctor's surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate etc.

**Other issues that may be considered could include:**

Matters of faith, including all religious or faith denominations including proximity to churches, mosques, temples or any other place of worship. (Religious premises and places of worship are often focal points for a percentage of vulnerable members of the community, including the homeless community and youth population, rather than for moral or ethical reasons).

As local risk assessments must be revised when there are significant changes in local circumstances, the licensing authority would suggest these include:

Any substantial building development or conversion of existing premises in the local area which may increase the number of vulnerable persons in the area

Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment

Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (eg additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

9.9 Reference should be made to the broad principles in section 9 that the licensing authority would expect to be taken into consideration when local risk assessments are being

compiled. The principles are not exhaustive and other factors not in this list must be taken into consideration

## **10. Local area profile**

- 10.1 The Licensing Authority can complete their own assessment of the local environment as a means of 'mapping out' the key characteristics of the local area, which will be reviewed and updated to reflect changes to the local landscape. Such an assessment is known as the local area profile. There is no statutory duty on the Licensing Authority to complete an area profile, but there are significant benefits for both the Licensing Authority and Operators, in having a better awareness of the local area and risks. Importantly, risk in this context includes potential and actual risk, thereby taking into account possible future emerging risks, rather than reflecting current risks only.
- 10.2 There is no mandatory requirement to have a local area profile. **Currently, Allerdale Borough Council does not have a local area profile, however work is being done to produce detailed profiles which will be added to the policy following completion and subsequent approval by Council. (This paragraph to be removed)**

## Part B

# Premises Licences

## 11. General Principles

- 11.1 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions which will be detailed in regulations issued by the Secretary of State. The licensing authority is able to exclude default conditions and also attach others, where it is believed to be appropriate
- 11.2 This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - In accordance with the authority's statement of licensing policy.
- 11.3 This licensing authority will not regard moral objections to gambling as a valid reason to reject applications for premises licences (except as regards any 'no casino resolution' - see section on Casinos below) and also acknowledges that unmet demand is not a criterion for a licensing authority to consider. Further, there is a duty not to take other irrelevant matters into consideration e.g. the likelihood of an applicant obtaining planning permission.
- 11.4 Paragraph 19.24 of the Gambling Commission Guidance to Licensing Authorities requires that gaming machines are only made available in combination with the named non-remote activity of the operating licence. Unless a betting premises operator offers substantive facilities for non-remote betting it should not make gaming machines available for use on the premises. To contain the unavailable risk to the licensing objectives associated with gaming machines, premises which offer machines must be appropriately supervised.
- 11.5 **Definition of "premises"** – In the Act, premises is defined as including "any place". Section 152 therefore prevents more than one premises license applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 11.6 The Gambling Commission states in its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are

configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.”

- 11.7 The Act sets out that the type and number of high stake gaming machines allowable in premises is restricted according to the type of premises licence or permit granted. For example, a converted casino licence allows for 20 gaming machines in categories B, C or D. With exception of AGCs and FECs, premises are not permitted to be used exclusively for making gaming machines available, but rather to provide the gaming facilities corresponding to the premises licence type. The Licence Conditions and Codes of Practice (LCCP), sets out in full the requirements on operators.
- 11.8 With exception of bingo clubs, tracks on race-days, and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
- 11.9 This Licensing Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: “licensing authorities should take particular care in considering applications for multiple licences for a building and those 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 **or exploited** by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gaming where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so the separation of different premises is not compromised and people do not ‘drift’ into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit. **The plan of the premises should clearly denote entrances and exits.**
- Customers should be able to participate in the activities named on the premises licence.

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

- Do the premises have a separate registration for business rates?
- Is the premises’ neighbouring premises owned by the same person or someone else?

- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from other gambling premises?

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

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

**Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance).
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons.
- No customer must be able to enter a casino directly from any other premises which hold a gambling premises licence.

**Adult Gaming Centre**

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

**Betting Shops**

- Access must be from a "street" (as per para 7.21 Guidance to Licensing Authorities) or from another 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**

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

**Bingo Premises**

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

**Family Entertainment Centre**

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

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

- 11.11 In determining applications, the Licensing Authority has the 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 licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulation approval for their proposal. Bearing in mind that once a premises licence comes into effect it authorises the premises to be used for gambling, a licence can only be issued once the Licensing Authority is satisfied that the premises is ready to be used for gambling in the reasonably near future.
- 11.12 If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead. See section 19 of this policy for further guidance.
- 11.13 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-
- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.
- 11.14 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.
- 11.15 **Location** - This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.
- 11.16 **Duplication with other regulatory regimes** - This licensing authority will seek to avoid any duplication with other statutory/regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or building consents. Fire or health and safety risks will not be taken into account, as these



matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

- 11.17 **Licensing Objectives** - 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.
- 11.18 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** - This licensing authority is aware that the Gambling Commission will be taking a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, if an area should have known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it, so as to make that distinction.
- 11.19 **Ensuring that gambling is conducted in a fair and open way** - This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences issued by the Gambling Commission. There is however, more of a role with regard to tracks which is explained in more detail in the 'tracks' section below at Paragraph 17.
- 11.20 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** – Children are defined in the Act as under-16s and young persons as 16-17 year olds. An adult is defined as 18 or over. Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place. The objective refers to protecting children from being 'harmed or exploited by gambling'. That means in addition to preventing them from taking part in gambling licensees should ensure their policies and procedures include mitigating the risks of advertising so that gaming products are not aimed at children or advertising in such a way that makes them particularly attractive to children. The licensing authority will therefore consider, whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include supervision of entrances/ machines, segregation of areas/re-siting the products out of view etc.

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

The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs,

learning disability or substance misuse relating to alcohol or drugs. This licensing authority will consider, in relation to a particular premises, whether any special considerations apply in relation to the protection of vulnerable persons, on a case by case basis.

### 11.21 Conditions

All Gambling Act 2005 premises licences are subject to mandatory and default conditions that are usually sufficient to ensure operation is reasonably consistent with the licensing objectives. **Default conditions attach to the premises licence unless the licensing authority decides to exclude them (S169 of the Act). A default condition may be excluded and substituted with one that is either more or less restrictive.** Additional conditions will only be considered where there is clear evidence of a risk to the licensing objective in the circumstances of a particular case.

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 **(including the locality and any identified local risks)** and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

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

11.23 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.

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

- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where these machines are located;
- access to the area where the machines are located is supervised;
- the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and



- At the entrance to and inside any areas where there are Category A, B or C machines, in such areas there must be prominently displayed notices indicating that access to the area is prohibited to persons under 18.

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

- 11.25 This Licensing Authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance this licensing authority will consider the impact upon the objective to protect children and other vulnerable persons from being harmed or exploited by gambling and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 11.26 It is noted that there are conditions which the licensing authority cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
  - conditions relating to gaming machine categories, numbers, or method of operation;
  - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removed the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
  - Conditions in relation to stakes, fees, winning or prizes.
- 11.27 **Door Supervisors** – The Gambling Commission advises in its Guidance to Licensing Authorities that if a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access (for example by children and young persons) then it may require that the entrances to the premises are controlled by a door supervisor, and is entitled to impose a premises licence condition to this effect.
- 11.28 Section 178 of the Gambling Act 2005 sets out a definition of 'door supervisor', and provides that where a person employed in such a role is required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence.
- 11.29 It should be noted that the above paragraphs relate to door supervisors only in relation to premises licences granted under the Gambling Act 2005. Where a premises licence has also been granted under the Licensing Act 2003 in relation to the same premises, there may also be conditions on that licence which relate to door supervisors. The premises licence holder should ensure compliance with those conditions.
- 11.30 The requirement for SIA licence door supervisors is relaxed when applied to door supervisors at casino or bingo premises. Where 'contract' staff are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by SIA. However 'in-house' employees working as door supervisors at casino and bingo premises are exempt from these requirements.

## 12. Adult Gaming Centres (AGC)

- 12.1 Persons operating an Adult Gaming Centre (AGC) must hold a gaming machines general operating licence (Adult Gaming Centre) from the Commission and must seek a premises licence from the licensing authority. They will be able to make category B, C and D gaming machines available to their customers.
- 12.2 No one under the age of 18 is permitted to enter an AGC. This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.
- 12.3 The Commission's SR code requires holders of gaming machine general operating licences for adult gaming centres to offer a self-exclusion scheme to customers requesting such a facility. These are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises. Full details can be found in the Commission's LCCP.
- 12.4 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV – this should be of sufficient quality that it will be of use in evidence
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours
  - Self-exclusion schemes
  - Provision of information leaflets/helpline numbers for organisations such as GamCare.
- 12.5 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.
- 12.6 The following mandatory conditions will be attached to adult gaming centre premises licences:
- A notice must be displayed at all entrances to AGCs stating that no person under the age of 18 years will be admitted to the premises.
  - There can be no direct access between an AGC and any other premises licensed under the Act or premises with a Family Entertainment Centre, club gaming, club machine or alcohol licensed premises gaming machine permit. There is no definition

of 'direct Access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for purposes other than gambling, for there to be no direct access.

- Any ATM made available for use on the premise shall be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- The consumption of alcohol in AGCs is prohibited at any time during which facilities for gambling are being provided on the premises. A notice stating this should be displayed in a prominent place at every entrance to the premises.

### **13. (Licensed) Family Entertainment Centres (FEC)**

- 13.1 The Act creates two classes of Family Entertainment Centres (FEC). This section of the policy concerns licensed FECs. Persons operating a licensed FEC must hold a gaming machine general operating licence (Family Entertainment Centre) from the Commission and must seek a premises licence from the Licensing Authority. They will be able to make category C and D gaming machines available to their customers. Unlicensed FECs provide category D machines only and are regulated through FEC gaming machine permits (see Section B of this policy).
- 13.2 This Licensing Authority will specifically have regard to the need to protect children and young persons. Children and young persons will be permitted to enter an FEC and may play on the category D machines. They are not permitted to play on a category C machines, and it is a requirement that there must be clear segregation between the two types of machines, so that children do not have access to category C machines.
- 13.3 This licensing authority will refer to the Gambling Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. It will normally impose conditions on granting licences which accord with the above. This licensing authority will also make itself aware of and impose any mandatory or default conditions on these premises licences.
- 13.4 This Licensing Authority will expect applicants to offer their own measures to meet the licensing objectives however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV – this should be of sufficient quality that it will be of use in evidence
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours

- Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises
- Provision of information leaflets/helpline numbers for organisations such as GamCare.
- Measures/training for staff on how to deal with suspected truant school children on the premises

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

13.6 Mandatory conditions attached to FEC premises licences:

- The summary of the terms and conditions of the premises licence issued by the Licensing Authority under section 164(1) (c) of the Act must be displayed in a prominent place within the premises.
- The layout of the premises must be maintained in accordance with the plan.
- The premises must not be used for sale of tickets in a private lottery or customer lottery, or the National Lottery.
- No customer shall enter the premises directly from a casino, an adult gaming centre or betting premises (other than a track). There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example, a street or café), which the public go to for purposes other than gambling, for there to be no direct access.
- Any ATM made available for use on the premises must be located in a place that requires any customer who wishes to use it to cease gambling at any gaming machine in order to do so.
- Over-18 areas within FECs that admit under-18s must be separated by a barrier with prominently displayed notices at the entrance stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young persons are not able to access these areas or the category C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
- The consumption of alcohol in licensed FECs is prohibited at any time during which facilities for gambling are being provided. A notice stating this should be displayed in a prominent position on the premises.

## **14. Casinos**

14.1 Section 7(1) of the Act states that 'a casino is an arrangement whereby people are given an opportunity to participate in one or more casino games'. Casinos games are defined by the Act to mean a game of chance which is not equal chance gaming. Equal chance gaming is gaming which does not involve playing or staking against a bank, and where the chances are equally favourable to all participants.

14.2 Protection of children and young persons – No-one under the age of 18 is permitted to enter a casino and operators are required to display notices to this effect at all entrances to a

casino. Children and young persons are not allowed to be employed at premises with a casino premises licence.

- 14.3 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.
- 14.4 Casinos and competitive bidding - This licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators who will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. This licensing authority will run such a competition in line with the Gambling (Inviting Competing Applications for Large and Small Casino Premises Licences) Regulations 2008, as well as following the procedure set out in Part 17 of the Guidance.
- 14.5 Licence considerations/conditions – This licensing authority will attach conditions to casino premises licences according to the principles set out in the Gambling Commission's Guidance at paragraph 9, bearing in mind the mandatory conditions listed in paragraph 17 of the Guidance, and the Licence Conditions and Codes of Practice published by the Gambling Commission. The mandatory conditions attached to all casino premises are as follows:
- Access to premises is regulated to add additional safeguards for both the public and industry. The principle entrance to the casino should be from a street. A street is defined as including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping centres), whether it is a thoroughfare or not.
  - No customer must be able to enter the casino from any other premise holding a casino, bingo, AGC, FEC or betting premises licence, or from premises where a FEC, club gaming and club machine, or licensed premises gaming machine permit, has effect.
  - There should be no access to a casino from premises wholly or mainly used by children and young persons.
  - No other gambling equipment may be situated within two metres of any ordinary gaming table. For the purposes of these conditions an ordinary gaming table means one which is not wholly or partially automated.
  - A maximum of 40 separate player positions may be made available for use in relation to wholly automated gaming tables at any time.
  - All casinos must display the rules of each type of casino game that can be played on the premises in a prominent place within both the table gaming area and other gambling areas to which customers have unrestricted access. Licensees may do this either by displaying clear and legible signs or by making available to customers leaflets or other written material setting out the rules.
  - ATMs must be positioned so that customers must cease to gamble at tables or gaming machines in order to use them.

- The default opening hours of all casinos are noon to 6am.

There are mandatory conditions relating to small casinos, large casinos, and converted casinos premises licence which are detailed in part 17 of the guidance.

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

## 15. Bingo Premises

- 15.1 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 premises
- 15.2 Under the Act, children and young persons (anyone up to the age of 18) cannot be employed in providing any facilities for gambling on bingo premises, and children (under 16) cannot be employed, in any capacity at a time when facilities for playing bingo are being offered. However, young persons, aged 16 and 17, may be employed in bingo premises (while bingo is being played), provided the activities on which they are employed are not connected with the gaming or gaming machines.
- 15.3 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.
- 15.4 Section 172(7) provides that the holder of a bingo premises licence may make available for use a number of category B gaming machines not exceeding 20% of the total number of gaming machines on the premises. For example, a premises with a total of 25 gaming machines available for use can make five or fewer category B3 gaming machines on that premises. Premises that were licensed before 13<sup>th</sup> July 2011 are entitled to make available eight category B gaming machines or 20% of the total number of gaming machines, whichever is the greater. Regulations state that category B machines at bingo premises should be restricted to sub-category B3 and B4 machines, but not B3A.
- 15.5 The gaming machines must remain within the licensed area covered by the premises licence. In the unusual circumstances that an existing bingo premises covered by one premises licence applies to vary the licence and acquire additional bingo premises licences (so that the area that was the subject of a single licence will become divided between a number of separate licensed premises) it is not permissible for all the gaming machines to which each of the licence brings an entitlement to be grouped together within one of the licensed premises.



## Bingo in clubs and alcohol-licensed premises

- 15.6 Bingo is a class of equal chance gaming permitted on alcohol-licensed premises, and in clubs and miners' welfare institutes, under the allowances for exempt gaming in Part 12 of the Act. There are regulations setting controls on this form of gaming, to ensure that it remains a low stakes and prizes activity.
- 15.7 Where the level of bingo played in these premises reaches a certain threshold (i.e. bingo played during any seven day period exceeds £2,000 either in money in taken or prizes awarded once in a year), there is a legal duty on the Licensee or club to inform the Commission as soon as is reasonably practicable. Stakes or prizes above that limit will require bingo operators' licence and corresponding personal and premises licence.
- 15.8 The following mandatory conditions must be attached to a bingo premises licence:
- A notice stating that no person under the age of 18 years is permitted to play bingo on the premises shall be displayed in a prominent place at every entrance to the premises.
  - No customer shall be able to enter bingo premises directly from casino, an adult gaming centre or betting premises (other than a track).
  - Over 18 areas within bingo halls that admit under-18s must be separated by a barrier with prominently displayed notices stating that under-18s are not allowed in that area and with adequate supervision in place to ensure that children and young people are not able to access these areas or the category B or C machines. Supervision may be done either by placing the terminals within the line of sight of an official of the operator or via monitored CCTV.
  - Any admission charges, the charges for playing bingo games and the rules of bingo must be displayed in a prominent position on the premises. Rules can be displayed on a sign, by making available leaflets or other written material containing the rules, or running an audio-visual guide to the rules prior to any bingo game being commenced.
  - Any ATM made available for use on the premises shall be located in a place that requires any customer who wishes to use it to cease gambling in order to do so.

### Default conditions to attach to bingo premises licence:

- Bingo facilities in bingo premises may not be offered between the hours of midnight and 09:00hours. However, there are no restrictions on access to gaming machines in bingo premises.

## 16. Betting Premises

- 16.1 The Act provides for a single class of licence for betting premises although within this there are different types of premises which require licensed. This section contains guidance for off-course betting which is betting that takes place other than at a track (previously known as a licensed betting office). Guidance on tracks is in part 17.
- 16.2 The Act also permits betting intermediaries to operate from premises. The Act defines this as a person who provides a service designed to facilitate the making or acceptance of bets

between others. This can be by remote means such as the internet but can also apply for a betting premises licence to offer these services upon the premises.

- 16.3 Licensing Authorities are responsible for issuing and monitoring premises licences for all betting premises. Children and young persons will not be able to enter premises with a betting premises licence, although exemptions apply to tracks. Children and young persons are not allowed to be employed at premises with a betting premises licence.
- 16.4 Betting premises will be able to provide up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines.
- 16.5 **Self-service betting terminals (SSBTs)**
- 16.6 The Act provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events for example a horserace. It is a substitute for placing a bet over a counter. They automate the process that can be conducted in person and the Act exempts them from regulation as a gaming machine. Therefore they neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits.
- 16.7 Where a machine is made available to take bets on virtual races (ie results and/or images generated by a 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.
- 16.8 The Licensing Authority can restrict the number of SSBTs and will take into account the Commission's guidance particularly the ability of employees to monitor the use of the machines by children and young persons or by vulnerable people.
- 16.9 The following mandatory conditions will be attached to a betting premises licence:
- A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
  - There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).
  - Any ATM machine made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or self-service betting terminal (SSBT) in order to do so.
  - No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:

- Information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
- Information relating to betting (including results) on any event in connection with which bets may have been affected on the premises.

Betting operator-owned TV channels are permitted.

- No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within the above condition or machines which do not come within categories of machine explicitly allowed in betting premises under section 172(8) of the Act.
- The consumption of alcohol on the premises is **prohibited during any time which facilities for gambling are being provided.**
- The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

Default conditions attached to betting premises licence:

- Gambling facilities may not be offered in betting premises between the hours of 22:00 hours on one day and 07:00 hours on the next day, on any day.

## 17. Tracks

17.1 Only one premises licence can be issued for any particular premises at any time unless the premises are a 'track'. A track is a site or venues where sporting events do or could take place, and accordingly could accommodate the provision of betting facilities. **The Act does not provide a list with officially recognised "tracks" but examples could include:**

- A horse racecourse (racecourses)
- A greyhound track
- A point-to-point horserace meeting
- Football, cricket and rugby grounds
- An athletics stadium
- A golf course
- Venues hosting darts, bowls, or snooker tournaments
- A premises staging boxing matches
- A section of river hosting a fishing competition
- A motor racing event

17.2 Track operators are not required to hold an 'operator's licence' granted by the Gambling Commission. Therefore, premises licences for tracks, issued by the Licensing Authority are likely to contain requirements for premises licence holders about their responsibilities in relation to the proper conduct of betting. Indeed, track operators will have an important role to play, for example in ensuring that betting areas are properly administered and supervised.

- 17.3 Although there will, primarily be a betting premises licence for the track there may be a number of subsidiary licences authorising other gambling activities to take place. Unlike betting offices, a betting premises licence in respect of a track does not give an automatic entitlement to use gaming machines.
- 17.4 This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 17.5 This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 17.6 This licensing authority will expect applicants to offer their own measures to meet the licensing objectives; however appropriate measures/licence conditions may cover issues such as:
- Proof of age schemes
  - CCTV– this should be of sufficient quality that it will be of use in evidence
  - Supervision of entrances/machine areas
  - Physical separation of areas
  - Location of entry
  - Notices/signage
  - Specific opening hours
  - Self-exclusion schemes– these are schemes whereby individuals who acknowledge they have a gambling problem ask to be barred from certain premises.
  - Provision of information leaflets/helpline numbers for organisations such as GamCare
- 17.7 This list is not mandatory, nor exhaustive, and is merely indicative of example measures which applicants can consider implementing.
- 17.8 **Gaming machines – As an operator licence from the Commission is not required for the holder of this type of premises licence, a track betting licence does not of itself entitle the holder to provide gaming machines. However, track owners holding both a track premises licence and a pool betting operating licence issued by the Commission, may site up to four gaming machines within categories B2 to D on the track. Tracks which hold an alcohol licence are automatically entitled to two gaming machines of category C or D. Therefore**



entitled to six gaming machines in total. Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

- 17.9 Self-service betting terminals (SSBTs) - Licensing authorities have a power under the Gambling Act 2005 to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises licence.

Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machines.

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

- 17.10 Condition on rules being displayed - A condition will normally be attached to track premises licences requiring the track operator to ensure that the rules relating to tracks which are contained in the Act are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.
- 17.11 Applications and plans – The Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity (See Guidance, part 20).
- 17.12 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations (see Guidance, part 20).
- 17.13 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such circumstances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises (See Guidance, part 20)
- 17.14 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined (See Guidance, part 20).

17.15 This authority appreciates it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on the track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the "five times rule" (commonly known as betting rings) must be indicated on the plan (See Guidance, part 20).

Default conditions attached to track premises licence:

- Gambling facilities can only be provided at the track between the hours of 07:00 hours and 22:00 hours. Gambling facilities can be provided during this time, regardless of whether or not a sporting event is taking place. The default condition does not apply on days when a sporting event is taking place on the premises.

## 18. Travelling Fairs

18.1 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. If the statutory requirement is met then an unlimited amount of Category D machines may be provided without a permit but there must be compliance with legal requirements about how the machine operates.

18.2 Higher stake category B and C fruit machines are not permitted. Fairground operators must source their machines from a Commission licensed supplier and employees working with gaming machines must be at least 18 years old.

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

For the purposes of this Act –

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

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

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

18.4 It is noted that the 27-day statutory maximum for the land being used as a fair, applies on a calendar year basis, 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.



## 19. Provisional Statements

- 19.1 Developers may wish to apply to this authority for provisional statement before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.
- 19.2 S204 of the Act provides for a person to make application to the licensing authority for a provisional statement in respect of premises that he or she:
- Expects to be constructed;
  - Expects to be altered; or
  - Expects to acquire a right to occupy.
- 19.3 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.
- 19.4 In contrast to the premises licence application where the applicant has to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and have a right to occupy the premises, these restrictions do not apply in respect of which their provisional application is made.
- 19.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they:
- concern matters which could not have been raised by objectors at the provisional licence stage; or
  - Reflect a change in the operator's circumstances.
- 19.6 In addition the licensing authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:
- Which could not have been raised by way of **representations** 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 **and information** 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.

## **20. Reviews**

- 20.1 Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the Licensing Authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below:
- in accordance with any relevant code of practice issued by the Gambling Commission;
  - in accordance with any relevant guidance issued by the Gambling Commission;
  - reasonably consistent with the licensing objectives; and
  - In accordance with this authority's statement of licensing policy.
- 20.2 The request for a review will also be subject to the consideration by the licensing authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.
- The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.
- 20.3 Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.
- 20.4 The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.
- 20.5 The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:
- Add, remove or amend a licence condition imposed by the licensing authority;
  - Exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such an exclusion;
  - Suspend the premises licence for a period not exceeding three months; and
  - Revoke the premises licence.
- 20.6 In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in s153 of the Act, as well as any relevant representations.
- 20.7 In particular, the licensing authority may also initiate a review of the premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.
- 20.8 Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- The licence holder;
- The applicant for review (if any);
- The Gambling Commission;
- Any person who made representations;
- The Chief Officer of Police or Chief Constable;
- HM Revenue and Customs.

## **21 Rights of appeal and judicial review – Premises Licences**

- 21.1 This section deals only with appeals relating to premises licensing and other decisions by the Licensing Authority. The avenues of appeal against decisions the Licensing Authority are set out in sections 206 and 209 of the Act.
- 21.2 If an application under Part 8 of the Act is rejected, only the applicant may appeal. If an application under Part 8 of the Act is granted, the applicant and a person who made representations may appeal. It does not automatically follow that the person who made the representations will be appellant. It could be the licensee who is appealing, because he or she considers conditions attached to the licence too onerous. Similar arrangements will apply in appeals against a decision not to take action following a review, and in relation to the grant of temporary use notices. The Licensing Authority will choose who it has as its witness.
- 21.3 If the Licensing Authority takes action or determines to take no action (which may include revocation or suspension of the licence, or the removal or addition of licence conditions) after the review of a licence, any of the following may appeal:
- The licence holder
  - A person who made representations in relation to the review
  - Where relevant, the person who applied for the review
  - The Commission.
- 21.4 Where the Licensing Authority makes a decision in relation to the transfer of a premises licence, which may involve amending licence conditions, the licence holder and the applicant for transfer have a right of appeal.
- 21.5 Notice of an appeal must be given within 21 days of notice of the decision being received by the appellant. During that period, and until any appeal that has been brought has been finally determined, a determination or the other action by the Licensing Authority under Part 8 of the Act will not have effect unless the authority so directs (see section 208 of the Act).
- 21.6 In many cases, it is a requirement of the Act that Licensing Authority gives clear and comprehensive reasons for rejection of an application. To be clear and transparent the Licensing Authority will give reasons for all its decisions (see section 165 of the act, which is also applied in relation to other applications under Part 8 of the Act). A failure to give reasons may compel a person to appeal, and may suggest that the Licensing Authority did not make its decision with regard to all the information that it should have regard to, and in line with its obligation under section 153 (regardless of the decision that was reached).

- 21.7 Any appeal against the Licensing Authority is made to the Magistrates court. The Magistrates court is located at The Magistrates Court, Hall Brow, Workington, Cumbria, 01900 62244
- 21.8 An appeal has to be commenced by giving of a notice of appeal by the appellant to the local magistrate's court within a period of 21 days, beginning with the day on which the appellant was notified by the Licensing Authority of the decision being appealed.
- 21.9 If the licence holder or the person who made the application appeals, the licensing authority will be the respondent. If the appeal is made by someone else, then the licence holder or applicant will be a respondent to the appeal as well as the licensing authority.
- 21.10 On determining an appeal, the court may:
- Dismiss the appeal
  - Substitute the decision appealed against with any other decision that could have been made by the Licensing Authority
  - Remit the case to the Licensing Authority to dispose of the appeal in accordance with the direction of the court.

### **Provisional statements**

- 21.11 A provisional statement can be refused on exactly the same grounds as a premises licence. The applicant may appeal against the rejection of an application of a provisional statement under section 206(1); and a person who made representations or the applicant may appeal against the grant of an application.

### **Permits**

- 21.12 The process of appeals in respect of permits is different to that for premises licences and is set out in the following Schedules of the Act:
- Schedule 10 – Family entertainment centre gaming machine permits.
  - Schedule 11 (Parts 4 and 5) – Small society lotteries.
  - Schedule 12 – Club gaming permits and club machine permits.
  - Schedule 13 – Licensed premises gaming machine permits.
  - Schedule 14 – Prize gaming permits.

### **Temporary use notices**

- 21.13 Appeals in relation to temporary use notices are detailed with in section 226 of the Act. This section grants the right to appeal to the magistrates' court to both the applicant and any person entitled to receive a copy of the notice (that is the Commission, local chief of police and HM Revenue and Customs). Appeals must be made within 21 days of receiving the notice of the Licensing Authority's decision. If the appeal is against the decision of the authority not to issue a counter-notice, then the person giving notice must be joined with the Licensing Authority as a respondent in the case.

21.14 The magistrates' court may take the following action: dismiss the appeal, direct the authority to take specified action, remit it back to the authority to decide in accordance with a decision of the court, and make an order for costs. It should be noted that if the decision is remitted to the authority, the same rights of appeal will apply as for the original decision.

21.15 There is no stay of proceedings in relation to temporary use notices (as there are in relation to applications under Part 8 of the Act). However, the time limits are such that the Commission would expect proceedings on appeal to be heard before the temporary use notice would otherwise take effect.

### Judicial review

21.16 Any party to a decision may apply for judicial review if they believe that the decision taken by the Licensing Authority is:

- Illegal – that is beyond the powers available to the Licensing Authority
- Subject to procedural impropriety or unfairness – which is a failure in the process of reaching the decision, such as not observing the rules of natural justice
- Irrational – where a decision is so unreasonable that no sensible person could have reached it (in effect 'perverse' or 'Wednesbury' unreasonable).

21.17 For an application to succeed, the application must show that:

- The applicant has sufficient standing to make that claim
- The actions of the reviewed Licensing Authority give grounds for review

But the remedy is a discretionary one and the Court may decline judicial review if, for example, it considers that the applicant has an alternative remedy which is more appropriate to pursue, such as right of appeal, or has a private law claim against the defendant.

21.18 The applicant can ask the Court to grant a number of orders. A mandatory order compels the reviewed body to do something; a prohibitory order compels it to refrain from doing something; a 'declaration' sets out the court's view on the legality of particular course of action; **and a quashing order nullifies a decision and remits it for reconsideration.** The applicant can seek an injunction which is, in practice, similar to a mandatory or prohibitory order.



## Part C

### Gaming Machines/Permits/Temporary & Occasional Use Notice

#### 22. Gaming Machines

- 22.1 The Act provides the categories of gaming machine and the number of such machines that may be permitted in each type of gambling premises as set out in the Act.
- 22.2 S.235(1) of the Act sets out the definition of a gaming machine. It 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 is a distinction between skill machines and gaming machines, in that skill machines are unregulated
  - S.235(2) contains exemptions for equipment that is not to be considered as a gaming machine, even when gambling can be performed on it. For example a home PC.
- 22.3 The Commission is responsible for licensing manufacturers and suppliers of gaming machines and advises operators to obtain machines from Commission licensed suppliers. The same advice applies for those apply for permits for clubs, alcohol licensed premises or family entertainment centres.
- 22.4 In order to site gaming machines a premises would usually need authorisation in the form of:
- 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.
- 22.5 S.172 of the Act 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. Licensing authorities have the discretion to specify the number of permitted gaming machines. Limits are set separately in the Act for certain types of permits issued by Licensing Authorities.
- 22.6 Regulations define four categories of gaming machine: categories A, B, C and D with category B divided into a further five sub-categories. They have been defined according to the maximum amount that can be paid for playing the machine and maximum prize it can deliver. Appendix 3 provides a breakdown of machine categories and entitlements.
- 22.7 There is a minimum age of 18 for all players for all category A, B and C machines, including category B3A machines offering lottery style games. 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 located on the same premises.



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

- 23.1 Family Entertainment Centres (FECs) are commonly located at seaside resorts, in airports and motorway service stations, and cater for families, including unaccompanied children and young persons. Unlicensed FECs 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 subject to other considerations, such as fire regulations and health and safety. Permits cannot be issued in respect of vessels or vehicles.
- 23.2 If the operator of a family entertainment centre wants 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.
- 23.3 Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the Licensing Authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (s238 of the Act).
- 23.4 The Act states that a Licensing Authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25. The Gambling Commission's Guidance also states "In their three year licensing policy statement, Licensing Authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits ....., Licensing Authorities will want to give weight to child protection issues" (para, 24.6).
- 23.5 Guidance also states: "... An application for a permit may be granted only if the Licensing Authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Licensing Authorities might wish to consider asking applications to demonstrate:
- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
  - that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
  - That staff are trained to have a full understanding of the maximum stakes and prizes.
- 23.6 It should be noted that a Licensing Authority cannot attach conditions to this type of permit.
- 23.7 This Licensing Authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children

on the premises, measures/training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

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

#### **24. (Alcohol) Licensed Premises Gaming Machine Permits - (Schedule 13 paragraph 4(1))**

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

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

24.2 Permit: 3 or more machines - If the operator of alcohol licensed premises wishes to have more than 2 machines, then an application must be made for a permit and the Licensing Authority must consider that application based upon the licensing objectives, any guidance and code of practice issued by the Gambling Commission issued under Section 24 & 25 of the Gambling Act 2005, and "*such matters as they think relevant.*"

24.3 This Licensing Authority considers that "*such matters*" will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff that will monitor that the machines are not being used by those under 18. Notices and signage may also be a help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets/helpline numbers for organisations such as GamCare.

24.4 This Licensing Authority recognises that some operators of alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application

would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

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

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

## **25. Prize Gaming Permits - (Principles on Permits - Schedule 14 paragraph 8 (3))**

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

25.2 This Licensing Authority has prepared a Statement of Principles which is that the applicant should set out the types of gaming that he or she is intending to offer and that the applicant should demonstrate:

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

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

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

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

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

- Participation in the gaming must not entitle the player to take part in any other gambling.

## **26. Club Gaming and Club Machines Permits**

26.1 Members Clubs and Miners' Welfare Institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D), equal chance gaming and games of chance.

Members Clubs and Miner's Welfare Institutes – and also Commercial Clubs – may apply for a Club Machine Permit. A Club Machine Permit will enable the premises to provide gaming machines (up to 3 machines of categories B, C or D). N.B. Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.

This licensing authority notes that the Gambling Commission's guidance at Part 25 states:

"The licensing authority has to satisfy itself that the club meets the requirements of the Act to obtain a Club Gaming Permit. In doing so it will take account of a number of matters outlined in sections 25.46-25.48 of the Gambling Commission's guidance. These include the constitution of the club, the frequency of gaming, and ensuring that there are more than 25 members. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations".

The club must be conducted 'wholly or mainly' for the purposes other than gaming, unless the gaming is permitted by separate regulations. The Secretary of State has made regulations and these cover bridge and whist clubs.

26.2 The Guidance also states that licensing authorities may only refuse an application on the grounds that:

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

26.3 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). 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:

- a) the club is established primarily for gaming, other than gaming prescribed by **regulations under S.266** of the Act;
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled;
- d) **Factors to consider when granting a club gaming permit (contained within Part 25 of the Commission's guidance)**

26.4 There are statutory conditions on club gaming permits that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

## 27. Temporary Use Notices (TUN)

27.1 The Gambling Act 2005 enables the holder of an operating licence to give a Temporary Use Notice in respect of premises.

The TUN authorises the premises to lawfully be used for short period to provide facilities for gambling without the appropriate premises licence. The gambling must be in accordance with the terms of the TUN.

TUNs can only be made by the holder of an operating licence authorising them to provide the gaming activity proposed under the TUN.

27.2 The holder of the operating licence must give notice to the Licensing Authority in whose area the premises are situated. The Secretary of State has prescribed the form of the notice which must specify information including:

- The type of gaming to be carried on
- The premises where it will take place
- The dates and times the gaming will take place
- Any periods during the previous 12 months that a TUN has had effect for the same premises.
- The date on which the notice is given
- The nature of the event itself.

27.3 The same set of premises may not be the subject of a TUN for more than 21 days in any 12-month period, but may be the subject of several notices provided that the total does not exceed 21 days.

27.4 If the premises have been the subject of one or more TUN for more than a total of 21 days in the past 12 months, the Licensing Authority will issue a counter-notice that has the effect of stopping the TUN coming into effect. Failure to comply with the counter-notice will be an offence. The Licensing Authority may issue a counter-notice which limits the number of days that the TUN comes into effect, bringing it within the 21-day limit. Such counter-notices require consultation with the applicant to ensure that the restrictions they impose do not result in an unworkable event.

- 27.5 As notices may be given by different operators in respect of the same premises, the Licensing Authority will always check whether a counter-notice is appropriate.
- 27.6 A notice may not be given in respect of a vehicle. A notice may be given in respect of a vessel, but only if it is a passenger vessel or a vessel that is situated at a fixed place. A vessel at a fixed place would include a structure on water that is not intended to be able to move (such as an oil rig, or an artificially constructed island in the middle of a lake). It should be noted that a notice can only be given in respect of a vessel that is moored permanently at place (i.e. it could move but it does not) if it is a passenger vessel.
- 27.7 A TUN 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. The application, fee and counter-notices are specified by the Secretary of State. 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 situated
- 27.8 The person who is giving the TUN must ensure that the notice and the copies are with the recipients within seven days of the date of the notice. Where the premises are situated in the area covered by more than one authority, the person giving notice must send other notice to one authority and copy to the other(s).
- 27.9 Where the Licensing Authority receives a notice, it must send a written acknowledgement as soon as reasonably practicable. A written acknowledgement may include one sent by electronic mail.
- 27.10 The Licensing Authority and other bodies to which the notice is copied should consider whether they wish to give 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 TUN. Such a notice must be copied to the Licensing Authority (unless it is given by the Licensing Authority). The notice of objection and the copy to the Licensing Authority must be given within 14 days of the date of the TUN. An objection and the copy to the Licensing Authority must be given within 14 days of the date of the TUN. An objection may be withdrawn by giving written notice to those to whom the notice of objection was sent and copied.
- 27.11 The Licensing Authority has noted the timescales set out in the Act. The need to give a notice of objection within 14 days of the date of the TUN means that there must be procedures to ensure that such notices are considered without delay so that, where appropriate, the opportunity to lodge an objection is not missed.
- 27.12 If objections are received, the Licensing Authority must hold a hearing to listen to representations from the person who gave the TUN, 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.

- 27.13 Those who raise objections may offer modifications to the notice that will alleviate their concerns. Remedies may include a reduction in the number of days when gambling occurs or a restriction on the type of gambling is permitted. If the modifications are accepted by the applicant, a new TUN must be prepared and the original notice withdrawn. The three-month time limit and fee will not apply to the new notice. The person who made the original objection and proposed the modification may not object to the new notice, but others whom it is copied may object. If there are no new objections, there will be no need for a hearing.
- 27.14 If the Licensing Authority, after a hearing has taken place or has been dispensed with, considers that the TUN should not have effect, it must issue a counter-notice which may:
- Prevent the TUN from taking effect
  - Limit the activities that are permitted
  - Limit the time period of gambling
  - Allow the activity to take place subject to a specified condition
- 27.15 If the Licensing Authority gives a counter-notice, it must give reasons for doing so and must copy the counter-notice to all those who receive copies of the TUN.
- 27.16 If the Licensing Authority decides not to issue a counter-notice, the TUN will take effect. The must give notice of its decision to the person who gave the TUN and others to whom it was copied.
- 27.17 An appeal against the Licensing Authority's decision may be made by the applicant, or any person entitled to receive a copy of the TUN, to the Magistrate's Court within 21 days of receiving notice of the Licensing Authority's decision. There is a further right of appeal to the High Court on a point of law.
- 27.18 If no objections are made within 14 days of the date of the notice, the Licensing Authority must endorse the notice as valid and return it to the person who gave it. If the endorsed copy of the notice is lost, stolen or damaged, the person who gave the notice may request a new endorsed copy from the Licensing Authority, subject to a payment of a fee.
- 27.19 Section 228 sets a time limit of six weeks for the completion of all proceedings on a TUN. This includes considering whether to give a notice objection; hold a hearing, if it is necessary; and giving a counter-notice or notice dismissing the objections.
- 27.20 The person who gives a TUN may notify the authority that it is withdrawn at any time up to and during the time it has effect. In those circumstances the notice will have no effect, and any unexpired period of time will not count towards the 21-day maximum for a TUN having effect on the premises.
- 27.21 While the gambling is taking place, a copy of the TUN must be displayed prominently on the premises. It is an offence not to produce the notice endorsed by the authority when request

to do so by a constable, an officer of HM Revenue and Customs, an enforcement officer, or an authorised local authority officer.

## **28. Occasional Use Notices (OUN)**

- 28.1 Section 39 of the Act provides that where there is betting on a track on eight days or less in a calendar year, betting may be permitted by an OUN without the need for a full premises licence.
- 28.2 While tracks are normally thought of as permanent racecourses, it should be noted that the meaning of 'track' in the Act covers not just horse racecourses or dog tracks, but also any other premises on any part of which a race or other sporting event takes place, or is intended to take place (section 353(1)).
- 28.3 This means that land which as a number of uses, one of which fulfils the definition of track, can qualify for the OUN provisions (for example agricultural land upon which a point-to – point meeting takes place). Land used temporarily as a track can qualify, provided races or sporting events take place or will take place there. The track need not be a permanent fixture.
- 28.4 The intention behind OUN is to permit licensed betting operators (with appropriate permission from the Commission) to use tracks for short periods for conducting betting, where the event upon which the betting is to take place is of a temporary, infrequent nature. The OUN dispenses with the need for a betting premises licence for the track in these circumstances.
- 28.5 OUNs may not be relied upon for more than eight days in a calendar year. Note that the requirement relates to a calendar year (starting 1 January) and not to any period of 12 months. **Day is defined as midnight to midnight so an event that starts on one calendar day and ends on the following day would count as two days.** The Secretary of State has the power to increase or decrease the number of OUNs that are permitted
- 28.6 This Licensing Authority keeps a record of the number of notices served in relation to each track.
- 28.7 A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice be served on the Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.
- 28.8 Provided that the notice will not result in betting facilities being available for more than eight days in a calendar year, there is no provision for counter-notices or objections to be submitted.

28.9 The Act does not require the applicant or the Licensing Authority to notify the Commission that an OUN has been given. However the Commission does require Licensing Authorities to submit returns showing how OUN may were received during each quarter.

28.10 It should be noted that betting operators cannot provide gaming machines at tracks by virtue of an OUN. Gaming machines may be made available by betting operators and this is reliant on a betting premises licence, which refers to a specific licensed area, but does not enable the operator to site gaming machines outside of that area.

## 29. Small Society Lotteries

29.1 Local authorities are responsible for registering societies to run small society lotteries. The Act sets out a definition of a lottery and provides that promoting or facilitating a lottery is illegal, unless it falls within one of two categories of permitted lottery, namely:

- Licensed lotteries – these are large society lotteries and lotteries run for the benefit of local authorities that are regulated by the Commission and require operating licences;
- Exempt lotteries – there are four types that are expressly permitted including the small society lottery.

29.2 Definition of lottery

29.3 Simple lottery:

- Persons are required to pay to participate
- One or more prizes are allocated to one or more members of a class
- The prizes are allocated by a process which relies wholly on chance

Complex lottery:

- Persons are required to pay to participate
- One or more prizes are allocated to one or more members of a class
- The prizes are allocated by a series of processes
- The first of those processes relies wholly on chance

29.4 On being approached by societies who wish to register, the licensing authority will check that the proposal falls within the Act's definition of a small society lottery. This falls within two distinct areas:

- Society status – the society must be non-commercial
- Lottery size – the total value of tickets to be put on sale per single lottery must be £20,000 or less, or the aggregate value of tickets to be put on sale for all their lotteries in a calendar year must not exceed £250,000. If either of these are to be exceeded they may need to apply to the Commission for a society lottery operating licence

29.5 To ascertain that the 'society' as the society or branch of such a society on whose behalf a lottery is to be promoted has been established as non-commercial the licensing authority will

refer to the definition of 'society' as provided by the Act. The society must show it has been established and conducted:

- For charitable purposes, as defined in S.2 of the Charities Act 2006
- For the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
- For any other non-commercial purpose other than that of private gain

29.6 Part four and five of Schedule 11 to the Act set out the requirements on both societies and licensing authorities with respect to the registration of small society lotteries. This includes what must be stated on tickets (whether physical tickets or virtual for example in the form of an email or text message), prize (cash or non-monetary) and expenses limits. Tickets may only be sold by persons aged 16 or over to persons aged 16 or over.

29.7 With regards to where small society lottery tickets may be sold, this licensing authority will adopt the recommendation of the Commission that lottery tickets must not be sold to a person in any street. For these purposes 'street' includes any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Tickets, however, may be sold in a street from a static structure such as a kiosk or display stand. Tickets may also be sold door to door. Licensees must ensure that they have any necessary local authority permissions, such as a street trading licence.

This approach is consistent with the operating licence conditions imposed upon operators of large society lotteries and local authority lotteries.

29.8 This licensing authority will adopt a risk based approach towards its enforcement responsibilities for small society lotteries. This authority considers that the following list, although not exclusive, could affect the risk status of the operator:

- submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held);
- submission of incomplete or incorrect returns;
- breaches of the limits for small society lotteries.

## Appendix 1 – List of Consultees

All Licence Holders/Representatives

All Responsible Authorities (as Appendix 2)

All Town/Parish Councils

Association of British Bookmakers, Ground Floor, Warwick House, 25 Buckingham Palace Road, London, SW1W 0PP

BACTA, 29-30 Ely Place, London, EC1N 6TD [info@bacta.org.uk](mailto:info@bacta.org.uk)

Bingo Association, Lexham House, 75 High Street North, Dunstable, LU6 1JF [info@bingo-association.co.uk](mailto:info@bingo-association.co.uk)

British Association of Leisure Parks, Piers & Attractions Ltd, 29-30 Ely Place, London, EC1N 6TD [information@balppa.org](mailto:information@balppa.org)

British Beer & Pub Association, Ground Floor, 61 Queen Street, London EC4R 1EB [contact@beerandpub.com](mailto:contact@beerandpub.com)

British Institute of Innkeeping, Sentinel House, Ancells Business Park, Harvest Crescent, Fleet, GU51 2UZ [membership@bii.org](mailto:membership@bii.org)

Citizens Advice Allerdale Town Hall, Oxford Street, Workington, CA14 2RS [advice@citizensadviceallerdale.org.uk](mailto:advice@citizensadviceallerdale.org.uk)

Cumbria Chamber of Commerce, Energus, Blackwood Road, Lillyhall Industrial Estate, Workington. [info@cumbriachamber.co.uk](mailto:info@cumbriachamber.co.uk)

Gamcare, 1<sup>st</sup> Floor, 91-94 Saffron Hill, London, EC1N 8QP [info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Gamestec Leisure Limited, Low Lane, Horsforth, West Yorkshire LS18 4ER [enquiries@gamestec.co.uk](mailto:enquiries@gamestec.co.uk)

National Casino Forum, Vicarage House, 58-60 Kensington Church Street, London, W8 4DB [info@nationalcasinoforum.co.uk](mailto:info@nationalcasinoforum.co.uk)

NHS North Cumbria Integrated Care, 4 Wavell Drive, Rosehill, Carlisle, CA1 2SE [enquiries@northcumbriaccg.nhs.uk](mailto:enquiries@northcumbriaccg.nhs.uk)

Prize Coin Equipment, 121 Central Avenue, Gretna, DG16 5AQ, [derekpce@aol.com](mailto:derekpce@aol.com)

Allerdale Hub, Allerdale House, Workington [allerdalehub@cumbria.police.uk](mailto:allerdalehub@cumbria.police.uk)

Racecourse Association Ltd, Winkfield Road, Ascot, Berkshire SL5 7HX [info@racecourseassociation.co.uk](mailto:info@racecourseassociation.co.uk)



## Appendix 2: Responsible Authorities

Application forms should be sent to the Licensing Department

Notice of the application should be sent to the undermentioned responsible authorities, clearly marking the envelope 'Gambling Act application'

Licensing Department  
Allerdale House  
New Bridge Road  
Workington CA14 3YJ  
Tel: 0303 123 1702  
Email: [licensing@allerdale.gov.uk](mailto:licensing@allerdale.gov.uk)

Environmental Health Team  
Allerdale House  
New Bridge Road  
Workington CA14 3YJ  
Tel: 0303 123 1702  
Email: [environmental.health@allerdale.gov.uk](mailto:environmental.health@allerdale.gov.uk)

Planning & Development Manager  
Allerdale House  
New Bridge Road  
Workington CA14 3YJ  
Tel: 0303 123 1702  
Email: [planning@allerdale.gov.uk](mailto:planning@allerdale.gov.uk)

or

Lake District National Park Authority  
Murley Moss  
Oxenholme Road  
Kendal LA9 7RL  
Tel: 01539 724555  
Email: [planning@lake-district.gov.uk](mailto:planning@lake-district.gov.uk)

Cumbria Constabulary  
West Cumbria Area H.Q.  
Hall Brow  
Workington CA14 4EH  
Tel: 0300 124 0113  
Email: [WestLicensing@cumbria.police.uk](mailto:WestLicensing@cumbria.police.uk)



Cumbria Fire and Rescue  
The Divisional Officer  
Safer and Stronger Communities  
Cumbria County Council  
Workington Community Fire Station  
Moorclose Road  
Workington CA14 5BF  
Tel: 01900 706055  
Email: [Workington.technical@cumbria.gov.uk](mailto:Workington.technical@cumbria.gov.uk)

Children's Services  
Cumbria LSCB  
1<sup>st</sup> Floor Lower Gaol Yard  
The Courts  
Carlisle CA3 8NA  
Tel: 01228 226898  
Email: [LSCB@cumbria.gov.uk](mailto:LSCB@cumbria.gov.uk)

Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP  
Email: [info@gamblingcommission.gov.uk](mailto:info@gamblingcommission.gov.uk)

Health and Safety Executive  
2 Victoria Place  
Carlisle  
CA1 1ER  
Tel: 01228 634100  
Email: [formsadmin.carlisle@hse.gsi.gov.uk](mailto:formsadmin.carlisle@hse.gsi.gov.uk)  
(where the HSE is the enforcing authority for health & safety matters in the premises)

Public Health Lead  
Public Health  
Cumbria County Council  
The Courts  
Carlisle  
CA3 8NA  
Tel: 01228 226626

HM Revenues and Customs  
NRU Betting and Gaming  
Portcullis House  
21 India Street  
Glasgow  
G2 4PZ  
Email: [nrubetting&gaming@hmrc.gsi.gov.uk](mailto:nrubetting&gaming@hmrc.gsi.gov.uk)

## Other Useful Addresses

**British Beer and Pub Association**  
Ground Floor, 61 Queen Street, London EC4R 1EB  
[contact@beerandpub.com](mailto:contact@beerandpub.com)  
[www.beerandpub.com](http://www.beerandpub.com)

**British Institute of Innkeeping**  
Sentinel House, Ancells Business Park, Harvest Crescent, Fleet. GU51 2UZ  
[membership@bii.org](mailto:membership@bii.org)  
Tel: 01276 684 449  
[www.bii.org](http://www.bii.org)

**Disability Rights Commission Helpline**  
DRC Helpline, Freepost MID02164, Stratford Upon Avon. CV37 9BR  
Tel: 08457 622 633  
[www.drc.org.uk](http://www.drc.org.uk)

**Equity**  
Guild House, Upper St Martin's Lane, London. WC2H 9EG  
Tel: 0207 379 6000  
Email: [info@equity.org.uk](mailto:info@equity.org.uk)  
[www.equity.org.uk](http://www.equity.org.uk)

**West Allerdale Magistrates Court**  
Hall Brow, Ramsey Brow, Workington. CA14 4AS  
Tel: 01900 62244

**North Cumbria Magistrates Courts Service**  
The Court House, Rickergate, Carlisle. CA3 8QH  
Tel: 01228 51880  
Email: [cumbria.north.magistrates@justice.gov.uk](mailto:cumbria.north.magistrates@justice.gov.uk)

**Gamcare**

1<sup>st</sup> Floor, 91-94 Saffron Hill, London, EC1N 8QP

[info@gamcare.org.uk](mailto:info@gamcare.org.uk)

Tel: 020 7801 7000

Helpline: 0808 8020 133

[www.gamcare.org.uk](http://www.gamcare.org.uk)

**Gamblers Anonymous**

Doncaster CVS, Intake Wellness Centre, Doncaster. DN2 6PL

[www.gamblersanonymous.org.uk](http://www.gamblersanonymous.org.uk)

**Security Industry Authority**

PO Box 74957 London E14 1UG

Tel: 0300 123 9298

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

**Money Advice Trust**

Tel: 020 7489 7790

[contactus@moneyadvicetrust.org](mailto:contactus@moneyadvicetrust.org)

[www.moneyadvicetrust.org](http://www.moneyadvicetrust.org)

**StepChange Debt Charity**

123 Albion Street, Leeds. LS2 8ER

Tel: 0800 138 1111

Web: [www.stepchange.org](http://www.stepchange.org)

## Appendix 3 - Categories of Gaming Machines

Category of Machine	Maximum Stake (from April 2019)	Maximum Prize (from Jan 2014)
A	Unlimited	Unlimited
B1	£5	£10,000
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)

The above figures may be subject to change

## Appendix 4 – Summary of licensing authority delegations permitted under the Gambling Act

Matter to be dealt with	Council	Licensing Committee or Sub-committee of Licensing Committee	Officers
Final approval of Licensing Authority Statement of Policy	X		
Policy not to permit casinos	X		
Fee setting (when appropriate)	X		
Application for premises licences		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a variation to a licence		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Application for a transfer of a licence		X Where representations have been received from the Commission or Responsible Authority	X Where no representations received from the Commission or Responsible Authority
Application for a provisional statement		X Where representations have been received and not withdrawn	X Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		X Where objections have been made and not withdrawn	X Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits		<u>X (for more than 4 machines) amend to remove limit and delegate to officers in all cases</u>	<u>X</u>
Cancellation of licensed premises gaming machine permits			X

Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

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

DRAFT



# Appendix 5 - Map of the Borough



## **TRAVELLING BY TRAIN TO HOSPITAL OUTPATIENT APPOINTMENTS IN NEWCASTLE**

Some of you will remember that the late Councillor Martin Pugmire encountered difficulties at Newcastle Central Station when he was on his way to an outpatient hospital appointment. The Carlisle train pulled in on platform 5, which is not permanently staffed, and although he was unwell there was no means of summoning assistance. Martin was incensed. at this situation and I told him I would try to remedy it. I have been working with Virgin East Coast and later LNER since November 2017 in an attempt to improve matters.

Newcastle Central is currently a LNER managed station, and all platforms are now patrolled constantly. There are also now around 125 CCTV cameras covering all platforms. Platforms 5, 6 and 7 are used almost exclusively by Northern, CrossCountry and TransPennine trains, and shorter trains, like those from Carlisle, are not routinely met by staff on arrival.

Passengers requiring assistance on arrival at any platform can arrange this in advance through the Passenger Assist service on the LNER website or by telephone. But not everyone will know about Passenger Assist so could end up in the same predicament as Martin. To overcome these potential difficulties LNER, at my request, have installed a Help Point on platform 5, and new signage to ensure that passengers arriving on platforms 5, 6 and 7 know it is there. Passengers requiring assistance can now speak to the station's Management Centre which is staffed 24 hours a day every day of the week.

I have also been in touch with the Newcastle upon Tyne Hospitals NHS Foundation Trust about the information they send to people making outpatient visits. Their outpatient leaflet gave details about how to get to the Newcastle Hospital sites by car, Metro, bus and taxi but made no mention of travel by train or how to arrange assistance on arrival in Newcastle. The leaflet has been reprinted and now gives details of how Passenger Assist can be arranged.

I am sure the changes I have secured will benefit anyone living outside the Newcastle area and who needs assistance when travelling to the city by train for hospital outpatient appointments. And although nothing is foolproof I believe that these changes will mean that the chances of the difficulties encountered by our late colleague Martin happening to others has been greatly reduced.

Finally, none of these changes could have happened without the cooperation and help given to me by Louise Rutherford, a senior manager at Newcastle Central Station, and Deborah Banks, Head of OutPatient Services at the Newcastle upon Tyne Hospitals NHS Foundation Trust. My sincere thanks go to them both.

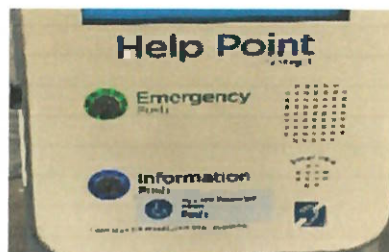
Clr David Burn

September 2021





**Lower Information button has additional text saying “Help with Passenger Assist PUSH”**



## Getting to the Hospital

Maps and directions to each hospital site are available on our website ([www.newcastle-hospitals.nhs.uk](http://www.newcastle-hospitals.nhs.uk))

- **By Car** – Car parks are available but you should be aware that spaces are limited. If possible, arrange a lift, use public transport or Park and Ride facilities (details on our website). Parking charges, methods of payment and parking regulations are advertised outside of the main car parks and on the Trust website.
  - **Disabled parking** – Parking is available for disabled patients and visitors on each site. If all disabled parking spaces are full, parking is available in the main car parks where you will be charged.
- **By Metro** –  
**Freeman Hospital** – The nearest stations are Longbenton and South Gosforth.  
**Royal Victoria Infirmary** – The nearest station is the Haymarket.
- **By Bus** – You can reach all the hospitals by regular bus services. We recommend that you confirm details by contacting Traveline North East on 0871 200 22 33 or [www.traveline.info](http://www.traveline.info)
- **By Taxi** – Taxis are permitted to drop off and pick up patients at all hospital entrances. Please inform the taxi driver which entrance you require
- **Ambulance Transport** – Ambulance transport is available for those patients who have a medical need. The process for booking patient transport differs depending on where you live.
  - Patients in Newcastle and Northumberland should contact the PTS Contact Centre on 0191 2151515.
  - Patients in Teesside and Darlington need to book transport by telephoning Transport Information Service on 01642 263122.
  - Patients in the Durham Dales and East Durham need to telephone Travel Response Centre on 03000 269 999.
  - Patients in North Tyneside, South Tyneside and Gateshead need to telephone ERS Medical on 0191 3017687.
  - Patients in North Durham should either contact their GP or Travel Response Centre, this is dependent on the GP surgery.
  - Patients in Sunderland either contact their GP or ERS to make bookings, this is dependent on the GP surgery.

If you require further information on how to request ambulance transport please telephone 0191 2139000 or visit North East Ambulance Trust website [www.northeastambulance-trust.nhs.uk](http://www.northeastambulance-trust.nhs.uk)

## Getting to the Hospital

Maps and directions to each hospital site are available on our website ([www.newcastle-hospitals.nhs.uk](http://www.newcastle-hospitals.nhs.uk))

- **By Car** – Car parks are available but you should be aware that spaces are limited. If possible, arrange a lift, use public transport or Park and Ride facilities (details on our website). Parking charges, methods of payment and parking regulations are advertised outside of the main car parks and on the Trust website.
  - **Disabled parking** – Parking is available for disabled patients and visitors on each site. If all disabled parking spaces are full, parking is available in the main car parks where you will be charged.
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**Freeman Hospital** – The nearest stations are Longbenton and South Gosforth.  
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- **By Taxi** – Taxis are permitted to drop off and pick up patients at all hospital entrances. Please inform the taxi driver which entrance you require
- **By Train** – If you are travelling by train and need assistance when you arrive in Newcastle this can be arranged in advance by contacting LNER customer services on 03457 225 225. Help can also be requested online at [www.lner.co.uk](http://www.lner.co.uk)
- **Ambulance Transport** – Ambulance transport is available for those patients who have a medical need. The process for booking patient transport differs depending on where you live.
  - Patients in Newcastle and Northumberland should contact the PTS Contact Centre on 0191 2151515.
  - Patients in Teesside and Darlington need to book transport by telephoning Transport Information Service on 01642 263122.
  - Patients in the Durham Dales and East Durham need to telephone Travel Response Centre on 03000 269 999.
  - Patients in North Tyneside, South Tyneside and Gateshead need to telephone ERS Medical on 0191 3017687.
  - Patients in North Durham should either contact their GP or Travel Response Centre, this is dependent on the GP surgery.
  - Patients in Sunderland either contact their GP or ERS to make bookings, this is dependent on the GP surgery.

**Town Clerk**

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**From:** Dave McGowan < >  
**Sent:** 02 September 2021 16:09  
**To:** Town Clerk  
**Cc:**  
**Subject:** Planning matters in Keswick

Dear Vivien

Thank you for your two letters dated 25 August on behalf of Keswick Town Council and I hope that it is acceptable to reply to them jointly by email. Do let me know if you would prefer postal letters.

Condition 7 on planning permission 7/2020/2039 requires the Puffin Crossing to be installed and subsequently application 7/2021/2040 was submitted seeking to carry out the development without this condition. In line with the (then) views of Keswick Town Council this application was refused. An appeal has not been made by the applicant against this decision. In these circumstances the condition stands and, if the permission is implemented, it must be complied with. In the event that the developer wished to propose an alternative arrangement they would need to make a suitable application.

I am copying in [redacted] and [redacted] as you provided them with copies of your letter.

I can confirm that the advertisement displayed on the Moot Hall is in breach of the Advertisement Regulations and we will open an investigation, although as we are understaffed we may not be able to progress this as quickly as you or we would like.

Regards

David McGowan  
Head of Development Management  
Lake District National Park Authority  
Direct

[lakedistrict.gov.uk](http://lakedistrict.gov.uk) | [Twitter](#) | [Facebook](#) | [Instagram](#) | [LinkedIn](#)



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## Town Clerk

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**From:** -  
**Sent:** 06 September 2021 14:51  
**To:** Town Clerk  
**Subject:** Traffic Concerns

Hi Vivien

On 20 August 2021 you sent the letter to Doug Coyle at CCC Highways, as agreed at the Town Council meeting on 19 August 2021, with copies to other parties. This resulted in a reply from David McGowan of LDNPA on 2 September 2021 which you circulated. Following discussion within our Planning Group we feel it appropriate to send a formal reply on behalf of the Town Council. I presume we need to seek approval to send this so I set out below my reply with a motion to approve to be included on the agenda for the Town Council meeting on 16 September 2021 – supported by Duncan Miller and Allan Daniels.

Letter to David McGowan – Head of Development Management at LDNPA,  
Copies to Doug Coyle – Flood and Development Manager, CCC Highways  
Gavin Murray – Development Management Officer, CCC Highways  
Kevin Richards – Planning Officer, LDNPA

Dear Mr McGowan

### **Keswick Town Centre Traffic Concerns**

Thank you for your response of 2 September 2021 to our letter to Doug Coyle of CCC Highways regarding the implementation of condition 7 of planning permission 7/2020/2039. We fully understand that your statement of the current position is factually correct. However you will be aware that this condition was imposed as a requirement of CCC Highways as a means to withdraw their objection to the Premier Inn application. It was unrelated to the development as it is some distance away from the site. It was proposed to provide some mitigation to benefit the towns traffic management issues. Our recommendation to refuse permission for application 7/2021/2040, to revoke this condition, was made in support of CCC Highways considered assessment at that time. It was made before the temporary installation of a traffic lighted crossing, in exactly the position proposed by this condition. This provided direct evidence of the severe congestion experienced which we simply cannot ignore.

We fully appreciate the need for pedestrians to cross roads safely but we feel strongly this proposal is in the wrong place in such close proximity to the busy Tithebarn Street junction. The significant hold ups experienced on all roads converging on this junction results in vehicles emitting exhaust fumes for much longer periods which is clearly undesirable. It also makes it much more difficult for pedestrians to cross safely at other locations due to increased congestion.

Our understanding is that planning conditions are designed to improve a towns development. We feel strongly that this particular condition, no doubt imposed with the best of intentions, would be a mistake with long term consequences for the town. Surely you would not advocate rigid pursuance of this condition where it was perceived to be the wrong decision.

We hope you would be willing to engage with CCC Highways and Premier Inn to find a better solution given this recent experience. This might take the form of a revised application with the support of all parties including Keswick Town Council. We have suggested an alternative location away from the town centre at High Hill to provide a safe crossing for Keswick school children which would benefit the town and be widely supported.

Yours sincerely etc.

Sent from [Mail](#) for Windows



KESWICK TOWN COUNCIL  
16 SEPTEMBER 2021

CLERK'S REPORT

Keswick Transport Study

I have been attending regular meetings between myself, Lake District National Park Authority, Cumbria County Council and Allerdale Borough Council following the acceptance of the Keswick Transport Study. Cumbria County Council have been undertaking work with regard to the Back Streets TRO, and they are about to undertake an invitation only stakeholder consultation meeting on Tuesday 12 October at the Skiddaw Hotel, with a full public consultation to follow, which is expected to run from the end of October, all through November. Keswick Town Council has two representatives who have had invitations to this event, Councillor Lywood and Councillor Harwood. I will produce a report for next Town Council meeting.

Rural Market Towns Group

Following the decision at the August Town Council meeting, I was contacted by the Chairman of this group to find out why we wanted to leave the group. I informed him of the concerns we had had, and at that stage we were offered another six months free membership. I have not had email confirmation of this, so as far as I am concerned our membership of this group ceases on 30 September 2021.

Vivien Little  
8 September 2021

## **BATTERSBY HALL CHARITY**

### **ANNUAL REPORT 2021 for Keswick Town Council**

The Trustees are now involved with major refurbishment works to the roof and exterior of the building to ensure that the Moot Hall (a grade 2\* listed building) remains usable and a good state of repair for many years to come. This work has now started. The total cost for these works will be in well over £100,000. We have used a local conservation specialist surveyor with 40 years of experience from Penrith to run and oversee the project. He has previously worked for the National Trust, English Heritage and Natural England.

Unfortunately, the building works can only be done in the warmer times of the year as, being a Listed Building, the use of lime mortar is required and this cannot be applied in very cold weather. An associated temporary batching yard will be set up on Standish St in what was the car park of the Cars of the Stars. We have tried wherever possible to go to local firms as sub-contractors and Keswick Scaffolding Services and Keswick Painters and Decorators are being used in this way. The Cumbrian firm Stobbart's Ltd are the main contactors on the project.

The Moot Hall is leased to the LDNP until 2026 and will continue to be used as a Tourist Information Centre which is within the broad aims of the Charity. The rent paid by the tenant contributes to the maintenance of the Moot Hall.

During this year of the Covid-19 crisis it has given the Charity an opportunity to fulfil its wider objectives through educational support to those most affected. The trust has supported 41 local families (including 95 school aged children) with over £12,000 in grants to purchase educational support equipment to allow them to obtain full benefit from home schooling during the Covid-19 pandemic. In addition, Battersby contributed £3000 to the school laptop appeal earlier this year.

An amendment to the trust's objectives to better to reflect the modern working of the trust, was be submitted and approved to the Charity Commission in early 2021

Tony Lywood KTC Rep and Chair of Battersby Hall Charity

## Cumbria Association of Local Councils Allerdale District

**Minutes of the annual meeting of the Allerdale district of the  
Cumbria Association of Local Councils and three tier meeting  
17<sup>th</sup> September 2020**

**The Meeting was held remotely on the Zoom platform**

**PRESENT:-**

Mike Milner (Oughterside and Allerby PC)( Lorton PC) (Loweswater PC)(Buttermere PC)	
Trevor Gear (Allhallows PC	Geoff Davies (Above Derwent PC)
Joanne Collins (Plumbland PC)	Marian Fitzgerald (ABC)
Ray McCreadie (Thursby PC)	Don Thoburn (Above Derwent PC)
Helen Barlow (Thursby PC)	David Wilson (Brigham PC)
Joy Pemberton –Pigott (Above Derwent PC)	Samantha Bagshaw (Calc)
Becc Carter (Embleton PC)(Broughton PC)(St John’s Castlerigg and Wythburn)	
(Underskiddaw PC)(Borrowdale PC)	Freda Chapman (Borrowdale PC)

Lizzie Shaw (CCC)

Chris Shaw (Calc Allerdale Liaison Officer)

**Welcome and Apologies** Chris Shaw said he would chair the Calc AGM and Marion Fitzgerald asked that he chair the 3 tier section given that he was the host and held the Zoom controls This was agreed. There was an apology from Ian Hinde (Allerdale BC)

**1. Minutes of the Allerdale association annual meeting October 2020 meeting** The minutes had been circulated earlier and were agreed.

**Matters arising.** The liaison officer said that the issue of the Transparency Regulations had been covered at the October 2019 meeting and whilst there were very many councils who were compliant there remained some problems. He said that only in the last week he had looked at a parish council website in Allerdale when the last minutes on the website were from June 2019. He also referred to the Public Sector Bodies (Websites and Mobile Applications) Accessibility Regulations 2018 which aim to ensure reasonable adjustments to websites are made, so they are accessible to people with various disabilities. From 23 September 2020, all local councils must have an action plan and an accessibility statement in place and would have started work to their websites to become more accessible.

**2 Liaison Officers Report** The report had been circulated earlier. The officer said it had been a difficult year with fewer 3 tier meetings than would normally have been the case. He said he believed he had covered all the issues in the report that were relevant.

He said that United Utilities would have given a presentation earlier in the year had that been possible covering restoration work and the position with Crummock, Overwater and Chapel House where the abstraction licences were being withdrawn.

It was agreed that the report represented a fair summary of the issues that had arisen in the year.

### **3. Election of Officers and other representatives**

a) Chairman There were no nominations for the position of Chair and the liaison officer said he would circulate the councils once more.

b) Vice Chairman and second representative to the county executive. David Wilson (Brigham PC) was proposed and seconded. There were no other nominations and David Wilson was elected for the year 2020/2021

c) Allerdale Association Executive There were no nominations

### **4. End of year accounts (AGAR papers)**

The liaison officer said he was required at the end of August to remind 16 councils/meetings about the adjusted timescale set by the external auditor for the submission of AGAR documents. He said that all but one parish council and one parish meeting had now submitted papers or had agreed an extension.

### **5. Update on holding parish town council meetings.**

The liaison officer referred to the NALC guidance which was the subject of an e-mail dated the 14<sup>th</sup> September 2020 to all local councils. It said that the NALC position remains that they recommend that councils continue to meet remotely. **MHCLG reissued its guidance** last week and deals with meetings at section 3d. MHCLG continues to recommend that where meetings can take place digitally without the need for face-to-face contact, they should continue to do so. He said that whilst some councils were reluctant in the spring to use a virtual platform more and more were now seeing the wisdom of these meetings which allowed those councillors who were shielding or simply didn't feel comfortable with face to face meetings in community halls to participate. He said that those councillors with limited or no computer technology could use a landline to join a meeting and that clerk's and chairs should emphasise this point.

The meeting dealt with further items in the joint meeting with the principal authorities

Joint Meeting

**Chair Chris Shaw (Cumbria Association of Local Councils)**

**Minutes of the meeting held on the 19<sup>th</sup> October 2019.**

These were circulated following the meeting and re-circulated prior to the current meeting. There were no matters arising save for the matter at 2 above concerning United Utilities.

**6 Footway Lights** Marion Fitzgerald (ABC) said that the decision of Electricity North West to remove certain footway lights but in part to compensate the district council had started a debate within the district council over the question of whether outside bodies including parish and town councils should contribute to the costs of public lighting which did not fall to the county council as highway authority. She said the previous administration were minded to seek to charge in year one the cost of electricity and in year two the cost of electricity and maintenance. The present administration took an initial decision to charge for electricity only but had now reviewed the matter. A letter would be sent to all local councils deferring a decision and that councils would not be required to consider the matter

when discussing precepts for the year commencing April 2021. She said that there were a number of reasons why this decision had been taken:

a) The parish council through Calc had made it clear that they considered the decision ill thought out.

b) The Covid 19 pandemic has severely delayed the timescales they were hoping to work to and site surveys and site meeting with the Parish's were unable to take place.

c) With the real prospect of Local Government re-organisation in the next couple of years, they think it would be prudent to wait until the outcome of any new re-organisation was known, particularly as all lights may come under one Authority.

She said that the district council would like to see parishes continue to identify those lights that they believed were not required.

In answer to a question what timescale did "Deferred" mean she said at least 12 months but a good chance it would not happen. She said that all the ENW money had been spent. She said that if a footway light fails then the district council would look at the need and would continue to move to LED lighting. The chair thanked the speaker for what all councils would consider good news.

**7 Covid 19 Epidemic Reflections** Lizzy Shaw said that overall the response from local organisations especially through the lockdown period had been excellent with voluntary response groups undertaking a huge amount of work looking to help residents in their areas with many tasks particularly for those who were shielding, the elderly and the vulnerable. She said she co-chaired the Allerdale Response group who received reports from local groups initially each week and latterly fortnightly at virtual meetings. She said that issues were escalated to the county wide group when appropriate and it was thought that the system worked really well with only perhaps a small minority falling through the net. Lizzy said that it was clear that the mechanism that was put in place will help if further serious restrictions become necessary. She said the Allerdale group would continue to assist cluster groups when required. Sam Bagshaw (Calc) said when talking to other county officers it became clear that the arrangements in Cumbria were miles ahead of some other counties. The meeting heard how particular parish councils had worked to help since March with the use of Facebook and other methods of communications. Marion Fitzgerald said that she considered the working across the three tiers of government together with other established third sector organisations and response groups that had been formed worked really well.

**8 Local Government reorganisation** Lizzy Shaw said the county council cabinet had met on the 3<sup>rd</sup> September 2020 and endorsed a High-Level Proposition and Business Case for Local Government Reform in Cumbria. The two documents were set out the case for the creation of a single new council to replace the existing Cumbria County Council and six District Councils in the county. She said that the county council were now waiting for a response from the sponsoring government department. Marion Fitzgerald (ABC) referred to the report submitted to the Allerdale BC executive at its meeting on the 2<sup>nd</sup> September 2020 which endorsed a recommendation that the council work with one or more of Cumbrian authorities to submit proposals alongside a financial case and proposed timetable. She said that a project team and member working group would be formed and the issue would be under the management and oversight of the chief executive and deputy leader of the council. Samantha Bagshaw (Calc) said that the county executive have agreed an interim position paper which had been circulated to all local councils. In terms it says that whilst the parish sector welcomes a move to a unitary authority or authorities it will not take a

position over a particular proposal when they emerge. It would welcome a move towards devolution of powers to the parish/town council level provided that resources followed. In answer to a question about an elected mayor Marion Fitzgerald said it may be that ministers may be in favour. It was noted that the County Council submission did not at this stage envision an elected mayor. It was further noted that the county council elections set for May 2021 may be postponed for twelve months if any progress was made towards unitary.

**9. Nuclear Waste.** Marion Fitzgerald said that the policy of the district council had not changed. It would not put forward a request to be considered a host community. It would ask to be a member of a working party if an organisation came forward with a proposal which included land in Allerdale and would also wish to be involved in any working party or community group that was formed in an adjacent district given that they would be close to a site or if the waste was moved to another part of the country then it may be transported through Allerdale. Geoff Davies (Above Derwent PC) said under the MRWS plan the district councils in both Copeland and Allerdale followed by the county council volunteered on behalf of the parishes which he considered quite improper. Marion Fitzgerald said that could not happen so far as Allerdale B C was concerned because the authority had no intention of volunteering and like Copeland B C would oppose any sites within the boundary of the Lake District put forward by a third party.

**10 Any Other Business** Marion Fitzgerald spoke about **An Allerdale Community Lottery.** She said that working with community groups the authority aimed to raise money for good causes within the district council's area. She said the district council would be writing to all parishes in due course. An event to get the scheme off the ground had been arranged with 28 groups already having accepted an invitation to attend. She said it was planned that tickets would cost £1 with £25000.00 the prize for the first draw.

The meeting closed at 8.30 pm. No date for the next meeting was fixed but in the present circumstances it was likely to be a virtual meeting.

**JCS October 2020**

Chair.....Dated.....



# **Cumbria Association of Local Councils**

## **Allerdale District**

**Minutes of a three-tier meeting held on the 25<sup>th</sup> May 2021**  
**Held virtually on the Zoom platform**

**Chair Tony Markley (Cumbria County Council)**

**PRESENT: -**

Tony Markley (Silloth TC/CCC/ABC)  
Roger Hart (Allonby PC)  
Bexc Carter (Embleton PC)  
Stephen Stoddart (CCC)  
Lizzy Shaw (CCC)  
Joy Piggott (Above Derwent PC)  
Freda Chapman  
Janet Mansfield (Allhallows PC)  
Marion Fitzgerald (Allerdale B C)  
Josh Barker (Plumbland PC)  
Kevin Cosgrove (CCC)  
Chris Shaw (Calc)

Pauline Scott (Dearham PC)  
Trevor Gear (Hayton and Mealo PC)  
David Wilson (Brigham PC)  
Mary Bradley (Broughton PC)  
Ian Hinde (Allerdale BC)  
Paul Titley (Keswick TC)  
Helen Barlow (Thursby PC)  
Alan Daniels (Keswick TC/Allerdale BC)  
Tim Cartmell (Caldbeck PC)  
Keith (West Newton PC)  
Craig Barker (CCC)  
Damien Morris (ACT)

Announcement and Apologies

There were apologies from Michael Milner (Loveswater pc), Colin Sharpe (ABC), Gordon Moore (Ireby and Uldale PC), Ray McCredie (Thursby PC)

### **Part One**

#### **Allerdale Calc General Meeting**

##### **1. Acceptance of the Minutes of the Calc General Meeting and any matters arising**

The note was put to the meeting and was accepted as a true record of the meeting held on the 20<sup>th</sup> January 2021

The Liaison Officer said he wished to report a matter arising from the minute concerning the Geological Disposal Facility Allerdale Working Group where following the election to the Allerdale Calc executive of Mary Bradley it was said she would now join the working party. That had not taken place because to date the working party had not allowed a Calc representative and he would raise the matter further in the main meeting.

##### **2. Update on holding parish/town council meetings and Annual Governance and Accountability Regulations**

The liaison officer said that the ability to hold virtual meetings had now ended and under current Covid regulations local councils should be holding face to face meetings following Covid guide lines on social distancing. That meant all councillors were able to attend but members of the public were limited to 6 in number

The Liaison officer said in relation to the Annual Governance and Accountability Regulations local councils would note that the internal auditor had been asked to declare that the documents were posted on a local council website. The requirement would be for the previous year and so on the 2020/2021 documents the internal auditor was being asked to confirm that 2019/2020 accounts had been posted. He said that to continue the under £25k exemption certificate regime local councils needed to be transparent and ensure the documents were open to public scrutiny. Bexc Carter referred to the documents issued by PKF She said that they do not follow the accessibility requirements The Liaison officer said he would take the matter up with the Calc chief officer.

## **Part Two**

### **Joint Meeting**

#### **Chair**

#### **3. Minutes of the January 2021 meeting and any matters arising**

The note was put before the meeting and it was agreed that they were an accurate record of the January meeting.

The Calc Liaison Officer said he had a matter arising concerning the Geological Disposal Facility Allerdale Working Party. He said that following a request to meet by RWM in October 2020 Calc were given to understand that if a working party were formed in Allerdale then Calc would be asked to join. He said a working party had been formed to include a commercial organisation as the interested party. Allerdale Borough Council as a principal authority and RWM as the developer. An independent chair had been appointed and Calc understood had taken the view that Calc should not be invited to join the working party but should be appointed to join some sub group that reported to the working party. He said he had rejected that proposal as it would give the third tier of local government no influence. He said that he had subsequently been approached by RWM asking for advice. He said that Calc were not members of the working party and would not do RWM work for them. The RWM officer agreed and asked that I meet with their senior officers. I did that and

the Allerdale working group were going to have an uphill task in any event and needed all the help it could get especially with communications. The officers said that would go back to the independent chair as they did have some influence. He said that was the position as it stands at present. The Liaison officer made the point that Allerdale B C would need to take decision at some point as whether they should agree to the formation of a community partnership and should one be formed; it may last for up to ten years.

Marion Fitzgerald responded and said it was correct that the borough council had a peripheral role. She said that the independent chair had decided that the way the working party would operate and it would have a stakeholder system. She said the existing working party were to meet to discuss the Calc position. The Liaison officer said that the policy was not being followed. The chair closed the discussion and called the next item

#### **4. Highways Information System (CCC)**

Kevin Cosgrove from the county council introduced the presentation

#### **5. Allerdale BC Climate Change Policy (ABC)**

#### **6. Re-opening of Community /Village Halls (ACT)**

## KESWICK TOWN COUNCIL

Minutes of the meeting of Keswick Town Council Events Committee held at St John's Church, Church Lane, Keswick on Tuesday 18 May 2021 at 2.00 p.m.

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**Present:** Councillor Paul Titley (Chair) (PT)  
 Councillor Alan Dunn (ADu)  
 Councillor Sally Lansbury (SL)  
 Vivien Little (Town Clerk) (VL)  
 Ania Mlynczak (Admin and Finance Assistant) (AM)  
 Vanessa Metcalfe (Keswick Tourism Association) (VM)  
 Shelagh Hughes (Keswick Schools) (SH)  
 David Roberts (Keswick Lions Club) (DR)

**33. Apologies**

Apologies for absence were received from Councillor Burn.

**34. Minutes**

**RESOLVED** that the Chairman be authorised to sign as a correct record the Minutes of the Events Committee meeting held on 13 April 2021 (pages 9-10).

**35. Update on Events Planned for 2021****Midsummer Festival 2021:**Prom

Discussion was had over what was needed for the set up of the Long Prom. Fluid had been arranged, as was the hay bales, bar (with SusKes providing reusable glasses). SH was beginning to work on putting the programme together.

Contact was made with Lakeland Trails, and a request was made to leave the loos another day, letting the Prom use them, and for Fitz Park to charge them less for the usage of the park.

An advert could go in the Reminder in August.

The MUGA was to be locked up for that day.

SH was to do a risk assessment for the musicians, and the fees would be similar to last time.

St John's would provide First Aid services for the day, but have requested a donation of at minimum £100, which was felt was reasonable.

**RESOLVED** that planning was to go ahead for the Prom, however a final decision on whether it would go ahead would be later in the summer once it was clear where Covid figures were like.

**36. Max the Miracle Dog Statue**

The event to unveil Max the Miracle Dog statue would take place on July 2<sup>nd</sup>. VL was to talk to Allerdale BC Licensing and Environmental Health department, Cumbria County Council and Insp Rachel Gale to inform them.

There will be a need for KTC to marshall the event, and put barriers up to ensure people are kept away from Kerry Irvine and his party. The Lions volunteers to help marshall, as did some of the Town councillors.

A diagram of where the statue was to be placed, and potential for barriers would be drawn up to be shown when ready.

**37. Date of next meeting**

Tuesday 1 June 2021 at 10 a.m.

The meeting ended at 2.45 p.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date

**KESWICK TOWN COUNCIL**

Minutes of the meeting of Keswick Town Council Events Committee held at St John's Church, Church Lane, Keswick on Tuesday 1 June 2021 at 12.00 p.m.

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**Present:** Councillor Paul Titley (Chair) (PT)  
Councillor Alan Dunn (AD)  
Councillor Tony Lywood (TL)  
Vivien Little (Town Clerk) (VL)  
Simon Park (Keswick Lions Club) (SP)  
David Roberts (Keswick Lions Club) (DR)

**1. Apologies**

Apologies for absence were received from Councillors Burn and Lansbury

**2. Max the Miracle Dog Statue**

The event was still expected to go ahead on 2 July, Covid restrictions depending.

Beside the statue would be a donation box, which would be put in place a few days before. The wording for on top of the donation box had been agreed with Kerry Irving. The bench would arrive either the day before or on the day, with Kerry Irving organising his own security if the day before.

Fluid will be providing the microphone system for the day, to come out of the Events budget.

There will be a need for volunteers to ensure that members of the public keep off the flower beds, and that people remain sensible with social distancing.

The BBC and ITV both intend to send film crews on the day, along with photographers.

The Lions agreed to help marshal the event, as well as help pick up any litter afterwards, and there would be a briefing organised for Wednesday 30 June at 6pm if the event went ahead.

**RESOLVED** that an onsite briefing would take place on Wednesday 30 June at 6pm if the event went ahead as planned.

**3. Date of next meeting**

To be confirmed.

The meeting ended at 12.30 p.m.

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Chairman

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Date



## KESWICK TOWN COUNCIL

Minutes of the meeting of Keswick Town Council Events Committee held at St John's Church, Church Lane, Keswick on Monday 23 August 2021 at 10.00 a.m.

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**Present:** Councillor Paul Titley (Chair) (PT)  
 Councillor David Burn (DB)  
 Councillor Alan Dunn (AD)  
 Councillor Sally Lansbury (SL)  
 Vivien Little (Town Clerk) (VL)  
 Vanessa Metcalfe (Keswick Tourism Association) (VM)  
 Phil Byers (Allerdale Borough Council) (PB)

#### 4. Apologies

Apologies for absence were received from Councillor Lywood and David Quainton, Mary Elliott, Shelagh Hughes and David Roberts.

#### 5. Minutes

RESOLVED that subject to noting Vanessa Metcalfe's apologies for the 1 June 2021 meeting, the Chairman be authorised to sign as a correct record the Minutes of the Events Committee meetings held on 18 May 2021 (pages 11-12) and 1 June 2021 (page 1).

#### 6. Pop and Prom in the Park

The event was confirmed to be going ahead. Shelagh Hughes had sent a provisional timetable of performers, with performers from 1pm-9pm.

Malcom Rigg would be asked to print a programme of the line-up as well as the words to the standards (Rule Britannia and Land of Hope and Glory), to be available in the shops, as well as given out to people.

If the weather was damp, the event would remain on, if the weather were shocking it would be cancelled, however the weather forecast looked promising.

Lakeland Trails had an event the day before, and they would remove everything except the toilets, which they were leaving behind. SusKes would provide the glasses, and either the Lions or KTA provide a gazebo.

Councillor Lywood would ensure that the hay bales were provided.

Councillors Burn and Titley would undertake the risk assessment.

Contact would be made with Keswick Museum to see if Café West would be open on that day, and to confirm the use of the external plug. If Café West were not open, Councillor Lansbury would attempt to see if any food van were available.

Advertising would take place, with adverts in the Reminder, as well as through Facebook via the Keswick Tourism Association.

**RESOLVED** that the Pop and Prom in Fitz Park would take place on Sunday 5 September 2021.

#### 7. Christmas Lights

The First Responders were chosen to switch the lights on this year. Councillor Dunn was to make contact to set this up.

The contract for the Christmas lights had been awarded. It was decided that the lights should be turned on at 3pm, and off at midnight every day.

**8. Date of next meeting**

The next meeting was scheduled for Monday 20 September at 11am.

The meeting ended at 10.45 a.m.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Date