

Report to the Licensing Committee

Report reference: LSC-006-2012/13

Date of meeting: 10 October 2012



**Epping Forest
District Council**

Portfolio: Safer, Cleaner & Greener.

Subject: Gambling Act 2005 – Statement of Principles.

Responsible Officer: Alison Mitchell (01992 564017).

Democratic Services: Gary Woodhall (01992 564470).

Decisions Required:

(1) To consider the result of the consultation undertaken in respect of the Statement of Principles; and

(2) To recommend to the Council that it adopts the Statement of Principles with any amendments required following the consultation.

Reasons for Proposed Decision:

The Statement of Principles must be reviewed every three years.

Other Options for Action:

None.

Report:

Background

1. The Gambling Act 2005 requires all licensing authorities to prepare and publish a Statement of the Principles that they propose to apply in exercising their functions under the Act during the three-year period to which the policy applies. The Authority is required to review the policy at least every three years.

2. An amended policy was discussed at the meeting of the Licensing Committee on 11 April and it was agreed that a consultation exercise should be undertaken.

Consultation

3. A consultation letter or email was sent out at the beginning of May and replies were asked to be returned by 1 August 2012.

4. Responses were received from:

- (a) Mr Lee Carmichael – Life Church Epping:
- Pointed out a typographical error.

- Suggested that planning ought to have a licensing liaison who can assist to a certain level by assessing health and safety matters along with building access issues etc., on finished buildings that are applying for a licence.
- In the case of vulnerable persons gambling more than they can afford, how will this be assessed and monitored effectively? Is there scope for a system where a community figure such as himself, who has concern for a persons welfare through excessive gambling, can report to that authority for investigation or action?

(b) Cllr. Angold-Stephens:

- Raised concerns that the reference to ropes at the bottom of page 7 was unclear. This has been amended to refer to 'barriers made up of ropes'.
- Section 10.4 has been amended in a way that clarifies that point.
- Other amendments have been made to clarify the Statement.

5. The following replied with no comments:

- Ms K Canning – Clerk to Chigwell Parish Council;
- Essex County Fire and Rescue Service;
- Mr Peter Jones on behalf of Essex Police;
- Mr Richard Gardiner – Environment and Neighbourhood Manager; and
- Mr David Burch – Essex Chambers of Commerce.

Comments

6. Mr Lee Carmichael raises two questions. The first relates to liaison with the planning service with regards to assessing health and safety issues. When deciding whether to grant a premises licence, the Authority can only take account of the three licensing principles:

- (i) preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- (ii) ensuring that gambling is conducted in a fair and open way; and
- (iii) protecting children and other vulnerable persons from being harmed or exploited by gambling.

7. There is no reference to safety. However, if there were an inspection by officers and any doubts were raised then this would be brought to the attention of the owners and other appropriate officers of the Council who may include planning.

8. It is difficult to monitor when a vulnerable person is gambling beyond their means. Part B, Paragraph 1.8 of the Gambling Act 2005 Statement of Principles sets out those matters which the authority would take into account in deciding whether to grant a premises licence. There are other references to the protection of children and vulnerable people in the Statement. Officers will look at ways of bringing to the attention of people who have welfare issues through excessive gambling details of persons and bodies who can be contacted for help.

Decision

9. The Committee is requested review the Statement of Principles taking account the consultation and recommend to Council that the amended Statement is adopted.

Resource Implication:

There will be a cost to carrying out the consultation which will be met from existing budget.

Legal and Governance Implications:

Gambling Act 2005.

Safer and Cleaner and Greener Implications:

Better Regulation of Gambling.

Background Papers:

Current Licensing Statement of Policy
Gambling Commission – Guidance to Local Authorities – Third Edition
LACORS – Draft Statement of Principles

Impact Assessments:

Risk Management

None.

Equality and Diversity

The Statement of Policy addresses the objective of protecting children and other vulnerable persons from being harmed or exploited by gambling.

Children are prohibited from entering premises used wholly or mainly as a casino.

There are admission restrictions on other premises.

The location of premises should be taken into account when deciding to grant a licence.

Conditions can be imposed on premises e.g. supervision of entrances/machines, segregation of areas where machines and gambling are located etc.