

Report to Licensing Committee
Date of meeting: 14 October 2009

Subject: Gambling Act 2005 - Statement of Principles

Officer contact for further information: Alison Mitchell

Committee Secretary: Adrian Hendry



Recommendation:

The Committee approves the amended Statement of Principles

1. The Gambling Act 2005 ('the Act') makes this authority responsible for issuing various permissions, permits and notices relating to the use of premises for gambling activities within its district. The various types of licence that the Council is responsible to issue are listed in paragraph 8 of the attached draft Statement of Principles.
2. This authority has issued sixteen licences under the Act for Premises Licences (non Track), Forty seven (two) Gaming machine applications and eleven Club gaming permits
3. The Act requires licensing authorities to make decisions having regards to the three licensing objectives, the Act, regulations, guidance issued by the Gambling Commission and its own policy document which is referred to in the Act as a Statement of Principles.
4. The Statement of Principles sets out the criteria that the Licensing Authority propose to apply when exercising their functions under the Act. Government regulations specify what information must be included in this Statement. The current Statement has been in place for three years and is now the subject of this review.
5. A draft of the proposed amended Statement of Principles went out to consultation and a copy is attached. The amendments made were mainly to update the current policy and take account of the new government guidance.
6. The draft Statement begins by stating the three licensing objectives mentioned in the Act and which the Statement promotes.
7. There is a general introductory section which describes the geographical area over which the Authority exercises its functions under the Act. Details of the consultation exercise which has been undertaken is included in this section. A list of persons consulted is set out in Appendix B.
8. Essex County Council is designated as the body that is competent to advise the authority about the protection of children from harm. The names of the Responsible Authorities who must be consulted with regards to applications are listed in Appendix C of this Statement.

9. Under the Act when an application is made for a premises licence Interested Parties must be consulted and have the right to make representation. Interested Parties are defined by the Act as a person or who lives near to or a business located near to the premises being licensed or their representatives are defined as interested parties for this purpose. Generally a person who seeks to represent an interested party must produce written evidence that they have been authorized to do so. However, a councillor, MP or Parish or Town Council need not produce such proof.
10. The Statement sets out the Authority's policy for enforcement where investigations are carried out into any potential breaches of the provisions of the Act.
11. When deciding various types of applications the Authority will take account of such issues as the proximity of schools, centers' for vulnerable adults, or residential areas with a high concentration of children as well as the Gambling Commission Guidance.
12. A table of delegations is attached for your consideration as Appendix A. The third item mentions fee setting. This should be carried out by Full Council and not Executive Councillor as stated in the draft attached to the Agenda. Members are asked to approve the draft as amended in this way.
13. Part B of the Statement relates to Premises Licences. Premises are defined as "any place" by the Act. Part B expands as to how the Council would seek to address the three licensing objectives.
14. Part C sets out what the Council would take into account when issuing the specific licences mentioned..
15. As a result of the consultation the Council received two replies which are attached.
 - Loughton Town Council's Planning and Licensing Committee considered the Statement of Principles and agreed not to make a response but noted the information, and
 - Epping Town Council did request that the Licensing authority should give consideration to methods of advising appropriate interested parties listed at 5 to meaningfully engage in the process.