

Report to the Council

Committee: Licensing

Date: 6 November 2012

Subject: Gambling Act 2005 - Statement of Principles

Chairman: Councillor K Angold-Stephens

Recommendation:

That the attached Gambling Act 2005 – Statement of Principles be adopted for the three year period 31 January 2013 – 31 January 2016.

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. On 11 April 2012, we agreed a draft policy for consultation.
2. There were seven responses to the consultation. On 19 October we considered the responses. We took into account guidance issued under the Licensing Act 2003 and agreed to adopt a number of the suggested amendments to the policy.
3. Regulations made by the Secretary of State set out the requirements as to the form and publication of the Licensing Authority's Statement of Principles. The attached Statement takes account of the latest guidance issued to Local Authorities by the Gambling Commission and follows the recommended format by Local Government Regulation (formerly Local Authorities Co-ordinators of regulatory Services).

Format of the Statement of Principles.

Part A

4. Part A begins by stating the three licensing objectives which the policy will promote. The aim of the Authority must be to permit the use of premises for gambling so far as they comply with the requirements of the Act.
5. The Statement then states the geographical area that it covers.
6. All Statements must contain a section which designates a body that is competent to advise the authority about the protection of children from harm. Essex County Council's Safeguarding Children Service has been designated for this purpose.
7. An indication is included in the Statement as to who can be regarded as interested parties. Unlike the Licensing Act 2003, Town and Parish Councillors, District Councillors representing the ward and MPs may be objectors without having to provide evidence that they are representing a specific interested party.

8. The Statement includes a section of principles to be applied when asked to exchange information with those bodies listed in the Act. The Authority has not established any protocols with any of those bodies and so general details are included in the Statement.

9. The Statement must contain a section that sets out the principles that will be adopted by the Authority for inspection and where necessary, prosecutions. Paragraph 7 of Section A has been expanded in accordance with the guidance.

Part B - Premises Licences – Consideration Of Applications

10. Part B concerns the consideration of applications in respect of Licensed Premises.

11. It is only possible for one premises licence to be issued for any place. However, different areas in a property can have their own licence. The Statement sets out factors which the Authority will consider when deciding whether an area could be granted a separate licence. Having a separate access is a good indication and the Gambling Commission's guidance is reproduced in the Statement as to what should be considered for the different types of licensed premises when deciding whether premises have a separate access.

12. Where a premises is located can be taken into account when deciding whether a licence should be granted. This section explains what types of areas that would be of particular concern to the Authority but each case must be decided on its merits.

13. The Statement sets out in relation to the three licensing principles what the Authority will take account of when reaching a decision, The section with regards to the Protection of Children from harm has been expanded to take account of the Gambling Commission's guidance.

14. When making a decision, the Authority can attach conditions to a licence. It is helpful for the Authority to inform applicants of the types of issues that it will have regards to when making a decision and what conditions will be considered. A further section has been added to this part of the Statement to strengthen the requirements in respect of children and vulnerable adults.

15. Part B then goes on to set out what the Authority will wish to take account of when deciding applications in respect of the different types of licensed premises.

Part C - Permits/Temporary & Occasional Use Notice

16. There is a greater emphasis in the section upon the applicant being able to demonstrate that he knows the legislative requirements and how he intends to meet these.

Delegation

17. The Statement sets out how the functions are to be delegated and a table of delegations is attached. This has not been changed from that set out in the current Statement of Principles.

Recommendation

18. We recommend that the Statement of Principles attached be adopted.