

Report to the Licensing Committee

Date of meeting: 11th April 2012

Subject: Gambling Act 2005 – Statement of Principles



**Epping Forest
District Council**

Officer contact for further information: Alison Mitchell

Committee Secretary: Adrian Hendry

Recommended/Decisions Required:

- 1. To consider the amendments to the Statement of Principles and to make any changes the Committee consider to be desirable, and**
- 2. To agree to consultation being undertaken with the view to a report being made to the next Licensing Committee.**

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. This purpose of this report is to ask the Committee to consider amendments which have been made to the current statement of Principles which are shown in bold. These take account of amended guidance issued by the Secretary of State and LACORS. If the Committee approves a consultation will then be undertaken with interested parties a list is attached to the draft. A report will then be made to this Committee, and a report made to Full Council with a view to adoption in January 2013.
2. Regulations made by the Secretary of State set out the requirements as to the form and publication of the Licensing Authority's Statement of Principals. This draft takes account of the last Guidance issued to Local Authorities by the Gambling Commission and follows the recommended format by Lacors.

Format of the Statement of Principles.

Part A

3. 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.
4. The Statement then states the geographical area that it covers.
5. 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.
6. 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.

7. 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.

8. 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

9. Part B concerns the Consideration of Applications in respect of Licensed Premises.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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

15. 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

16. 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.

Consultation

17. If the Committee agrees this Statement of Policy will be the subject to a consultation taking account of any amendments required by it. A report will then be made back to the next Licensing Committee meeting. If it is accepted the policy must be approved by Full Council as only Full Council has the authority to make policy.

Reasons for Proposed Decision:

The Statement of Principles must be reviewed every three years.

Other Options for Action:

None

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:

An impact assessment will be carried out when the consultation results have been received prior to the next report.