



AGENDA

For a meeting of the
LICENSING COMMITTEE

to be held on

FRIDAY, 1 SEPTEMBER 2006

at

9.30 AM

in the

**COMMITTEE ROOM 1, COUNCIL OFFICES, ST. PETER'S HILL,
GRANTHAM**

Duncan Kerr, Chief Executive

| | |
|-------------------|--|
| Panel Members: | Councillor Pam Bosworth, Councillor Reginald Howard, Councillor Mrs Maureen Jalili, Councillor Alan Parkin, Councillor Mrs Angeline Percival, Councillor Mrs Margery Radley, Councillor Robert Murray Shorrock, Councillor Frank Turner (Vice-Chairman), Councillor Graham Wheat, Councillor Mrs Mary Wheat (Chairman) and Councillor Mike Williams |
|-------------------|--|

| | |
|-------------------------------|---|
| Committee Support Officer: | Jo Toomey 01476 406152 j.toomey@southkesteven.gov.uk |
|-------------------------------|---|

**Members of the Committee are invited to attend the above meeting to consider
the items of business listed below.**

1. APOLOGIES

2. DECLARATIONS OF INTEREST

Members are asked to declare an interest in matters for consideration at the meeting.

3. MINUTES OF MEETING HELD ON 25TH AUGUST 2006

(To follow)

4. GAMBLING ACT 2005

Report number ENV359 by the Head of Environmental Health and Licensing.

(Enclosure)

**5. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL
CIRCUMSTANCES, DECIDES IS URGENT.**

REPORT TO LICENSING COMMITTEE

REPORT OF: HEAD OF ENVIRONMENTAL HEALTH AND LICENSING

REPORT NO. ENV359

DATE: 1 SEPTEMBER 2006

| | |
|---|---|
| TITLE: | THE GAMBLING ACT 2005 - DRAFT STATEMENT OF PRINCIPLES |
| FORWARD PLAN ITEM: | YES |
| DATE WHEN FIRST APPEARED IN FORWARD PLAN: | 1 JUNE 2006 |
| KEY DECISION OR POLICY FRAMEWORK PROPOSAL: | POLICY PROPOSAL |

| | |
|--|--|
| COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION: | COUNCILLOR MRS L NEAL (COMMUNITY SAFETY) |
| CORPORATE PRIORITY: | Y – STATUTORY FUNCTION |
| CRIME AND DISORDER IMPLICATIONS: | MINOR |
| FREEDOM OF INFORMATION ACT IMPLICATIONS: | NO |
| BACKGROUND PAPERS: | ENV 354 |

1. INTRODUCTION

This matter originally came before the Committee on the 2 June 2006 when approval was sought to publish and consult on the draft Statement of Principles in respect of the Council's legislative responsibilities of the Gambling Act 2006.

The draft statement was adopted by the Committee then produced and it was widely circulated for public consultation on 5 June.

The required three months period for consultation will be completed on the 4 September 2006. The statement can then go for Cabinet consideration, with recommendation to go to full Council for adoption. A summary of the result of the consultation is shown as Appendix 1.

Due to the tight timescales involved for the Committee dates and the end of the consultation, a verbal update will be provided in addition to this report, if necessary.

2. RECOMMENDATIONS

That following the consultation exercise, the Committee endorses the draft statement of principles as "The Statement of Principles" for Cabinet approval.

3. DETAILS OF REPORT

The Act is due to take effect on 1 February 2007.

Section 2 of the Act defines the Council as the licensing authority.

Section 349 of the Act requires the licensing authority to consult on, publish and adopt a three year Statement of Principles for the area, which may be subject to periodic revision. Guidance to the Act requires a period of three months public consultation before adopting a Statement of Principles, which must be in place before 1 January 2007. The guidance only requires the licensing authority to "consult widely".

The period for consultation began on the 5 June 2006 and will end on 4 September 2006. The basis for the consultation was very similar to that carried out under the Licensing Act 2003. Over 600 letters have been sent to a wide range of interested parties, both local and national, such as businesses, community and residents groups. Groups likely to show concerns with the social effects of the Act were also contacted. Those letters were intended to inform all involved of the consultation exercise and that a copy of the Statement was available on the Council's website. Individual copies of the document were sent out on request. The relevant responsible authorities were sent their own personalised letters and copies of the draft Statement.

Other means of promoting the consultation exercise included a press release, copies of the document sent to the council's area offices and public libraries in the district. The Statement was also promoted at the two district Licensing Forums held in July. Despite the degree of effort to raise awareness, all of these methods received very limited response.

The draft Statement has also been peer assessed by colleagues from the County Licensing Group and LACORS.

The Statement has now passed through the scrutiny stage and was discussed by the Economic Scrutiny Group.

To date there have been a total of 13 responses, of which only eight were formal replies. These are shown in the Summary of Results which is attached as Appendix 1, together with an appraisal and any necessary amendment to the Statement. There have been seven requests for hard copies of the Statement.

To allow for the tight timescales involved in committee dates and for the closure of the consultation period, a verbal update of any late responses will be provided.

Following the completion of the consultation process and subject to the Committee's approval, the Statement of Principles can be then move to the Cabinet stage. Having reached that stage, the Statement will go before full Council for adoption on the 26 October 2006.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

The Act requires the Council, following consultation, to produce a Statement of Principles under the Gambling Act and is subject to legislative time limits. The consultation has been completed following the relevant guidance. There are no other options.

5. COMMENTS OF SECTION 151 OFFICER

Comments to be provided at the meeting.

6. COMMENTS OF MONITORING OFFICER

Comments to be provided at the meeting.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Subject to the approval of the Committee, the draft Statement will be the "Statement of Principles", move to the cabinet stage and, subject to their recommendation, go before the full Council on 26 October 2006 for adoption.

8. CONCLUSION/SUMMARY

Every effort has been made to comply with the legislation and consult with as many affected parties as possible. A list of those with whom consulted and their responses will be retained and will be available as required. The draft Statement of Principles will be passed to the Council for adoption.

9. CONTACT OFFICER

M Start, Environmental Health Practitioner (Licensing)
Tel: 01476 406321 E-mail: m.start@southkesteven.gov.uk



Schedule of Responses to Draft Statement of Principles - Gambling Act 2005

Part 1 Responsible Authorities and Statutory Consultees – Amendments made in final version submitted for council approval following cabinet meeting 9 October 2006.

| Reference | Respondent | Comments | Appraisal | Response |
|-----------------------------|---|---|--|--|
| 1. Received 30 June 2005 | Bond Pearce – solicitors on behalf of Association of British Bookmakers – ABB | A. Asserts there is no history of nuisance, crime & disorder, inappropriate use of betting shops by vulnerable people or existence of an environment other than that is fair and responsible B. ABB welcomes new legislation and “light touch” enforcement C. Door supervision suggests no need for door supervision. | There is no evidence to contradict this and the legislation would address same issues if they arise This is in line with council policy Not an issue of legislation, does not require door supervision | No policy change No policy change No policy change |

| | | | | |
|--|--|--|--|---|
| | | <p>Contains comment re. Inclusion of re. Door supervision wording</p> <p>D. Betting machines suggests inclusion of working of authority not to limit betting machines unless there is a breach of licensing objectives</p> <p>E. Re – Site Applications. Suggests such applications will be looked on “sympathetically”</p> <p>F. Enforcement – Asks that in respect of any enforcement issues there would be a single point of contact within the authority</p> | <p>see also section 2.10 statement of principles</p> <p>It would not be appropriate to include instatement such working as each premise would be judged on its merits. Such inclusion would restrict the authority's discretion</p> <p>Not appropriate as each case should be addressed on its merits, but the authority recognises benefits of regulated gambling in the district (section 1.2) and the authority's Statement of Principles will not override any application (section 1.8)</p> <p>This is addressed within the Statement of Principles. The licensing team details are shown (section 1.7)</p> | <p>No policy change</p> <p>No policy change</p> <p>No policy change</p> |
|--|--|--|--|---|

| | | | | |
|----|---|--|---|-------------------------|
| 2. | Race Course Association | Thanks for notification of Statement of Principles – no venues in district | Issue is addressed in (section 2.18) | No policy change |
| 3. | Lincolnshire Fire and Rescue (J. Cook Fire Safety Manager) | <p>A. Comment document is easy to read</p> <p>B. No legislative issues arising from Gambling Act 2005 – will be addresses by Fire Service legislation</p> <p>C. The Statement addresses the 3 licensing objectives</p> | | No policy change |
| 4. | LCC Highways (B Thompson Divisional Highways Manager) | Acknowledges receipt – no comments | | |
| 5. | Gambling Commission (S Rossiter) | Acknowledges receipt – no comments | Statement of Principles was written with advice of LACORS and Gambling Commission | |
| 6. | Lincolnshire Safeguarding Childrens Board (D Barnes Business Manager) | <p>A. Board is democratically elected Page 5</p> <p>B. Typographical error re “safeguarding” Page 5</p> | <p>Will be corrected</p> <p>Will be corrected</p> | <p>Done</p> <p>Done</p> |

| | | | |
|--|--|---|--|
| | <p>C. Issues re training of staff in gambling premises including offer to develop “model policy”</p> <p>D. Re ability of responsible authorities to initiate reviews</p> <p>E. Issues re CRB convictions</p> <p>F. Staff training premises</p> | <p>Already addressed in Statement section 2.8 and will be suspect to subsequent codes of practice and consideration of “model policy”</p> <p>Contain in section 197 – 200 of Act – purpose of page 17 of Statement is to acknowledge issues re review should they arise</p> <p>This is addressed in page 18 of Statement. The authority would risk assess on an individual premise basis – see paragraph 2 section 3.2</p> <p>The authority cannot require such training unless there is a need – this could arise should the licensing objectives were breached or the need for a review arose. Should such issues come to notice the authority would expect the premises operator to demonstrate awareness of the relevant codes of practice and staff training</p> | <p>Any relevant codes including model policy will be considered as necessary</p> <p>No policy change</p> <p>No policy change</p> <p>No policy change</p> |
|--|--|---|--|

| | | | | |
|----|-------------------------|--|--|---|
| | | G. The respondent comments the Statement was easy to read, non-technical and the format was appropriate | | |
| 7. | “GAMCARE” (A Faulkener) | <p>A. Raises issue in respect of debt issues arising from problem gambling</p> <p>B. The respondent also raises matters such as misuse of drugs</p> <p>C. Leaflets to provide assistance contacts for people having gambling problems, the separation of ATM</p> | <p>This is not specifically for the Statement of Principles but the council recognises problem gambling and has contacted various organisations in respect of such matters as debt management as part of the consultation process. None have to date responded.</p> <p>Section 2.8 of the Statement of Principles address matters such as protection of vulnerable people</p> <p>The Statement of Principles recognises the issues raised and it is expected will be subject to codes of practice from the Gambling Commission</p> | <p>No policy change</p> <p>No policy change</p> |

| | | | | |
|----|--|--|--|-------------------------|
| 8. | <p>British Beer & Pub Association (R Matthews) Also represents British Institute of Inn keeping, Association of Licensed Multiple Retailers and Federation of Licensed Victuallers Association</p> | <p>A. Supports the councils draft Statement of Principles based on LACORS template</p> <p>B. Supports prevention of under 18 year old persons playing all cash machines and relevant code of practice together with proof of age schemes to prevent misuse</p> <p>C. Supports staff training and codes of practice in respect of the grant of additional permits</p> <p>D. Applications for more than two machines – inclusion in Policy/Statement of Principles and no need for licensing on grounds of bureaucracy</p> | <p>As legislation and codes of practice</p> <p>Such applications will be addressed by the authority on their merits</p> <p>To accept this within the Statement of Principles would potentially fetter the authority's decision process, each case should be treated on its merits depending on the premises, its nature and location thus preventing any alteration in the primary usage of the premises from that of the public house to that of a gambling venue</p> | <p>No policy change</p> |
|----|--|--|--|-------------------------|

| | | | | |
|----|----------------|---|--|-------------------|
| | | <p>E. Standard forms – LACORS</p> <p>F. Transitional arrangements</p> | <p>Not a matter for the Statement. Council anticipates adapting structured LACORS forms</p> <p>It would be inappropriate to include this in the Statement of Principles. The DCMS published draft transitional arrangements on 10 July 2006, consultation will not be completed until October and will then be subject to regulations. The council will have adopted its statement of principles by 26 October 2006 to meet required legislative deadlines</p> | |
| 9. | Licensing Team | Completion and insertion of wording Section 4 of Statement of Principles as shown | Advice from LACORS DCMS & County Licensing Group | Statement amended |