

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**LICENSING COMMITTEE – 9<sup>TH</sup> SEPTEMBER 2009**

Title of report	<b>REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY</b>
Contacts	<p>Portfolio Holder - Councillor Alison Smith 01530 835668 <a href="mailto:alison.smith@nwleicestershire.gov.uk">alison.smith@nwleicestershire.gov.uk</a></p> <p>Commercial Services Manager 01530 454610 <a href="mailto:lee.mansfield@nwleicestershire.gov.uk">lee.mansfield@nwleicestershire.gov.uk</a></p> <p>Licensing Enforcement Officer 01530 454838 <a href="mailto:emma.mchugh@nwleicestershire.gov.uk">emma.mchugh@nwleicestershire.gov.uk</a></p>
Purpose of report	For Members to consider the review of the Gambling Act 2005 Statement of Licensing Policy following the consultation period.
Strategic aims	Strong and Safer Communities Prosperous Communities
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Assessment</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>Safer CAT</p> <p>Legislation requires the Policy to be reviewed every 3 years.</p> <p>Equality Impact Assessment has been undertaken.</p> <p>Assessed in the passing of the legislation.</p> <p>N/A</p>
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory

Comments of Monitoring Officer	Covering Report – the report is satisfactory. Gambling Act 2005 Statement of Licensing Policy – on the advice of David Lucas of Fraser Brown external solicitors, the Policy is satisfactory.
Consultees	Leicestershire Constabulary, Association of British Bookmakers, British Amusement Catering Trade Association, British Casino Association, Bingo Association, British Horse Racing Authority, British Greyhound Racing Board, Working Mens Club and Institute Union, British Beer & Pub Association, Gamcare, Gamblers Anonymous, Salvation Army and other faith groups, Citizens Advice Bureau, Local healthcare trusts, Trade unions, Community Welfare department of NWLDC, Holders of existing licences, permits and registrations who will be affected by the provisions of the Act, Responsible Authorities named in the Act, Responsibility in Gambling Trust, Town and Parish Councils and NWLDC District Councillors.
Background papers	Gambling Act 2005 available for reference at <a href="http://www.opsi.gov.uk">www.opsi.gov.uk</a> Gambling Commission's Guidance to Licensing Authorities 3 <sup>rd</sup> Edition available for reference at <a href="http://www.gamblingcommission.gov.uk">www.gamblingcommission.gov.uk</a>
Recommendations	<b>THE REVIEWED STATEMENT OF LICENSING POLICY IS RECOMMENDED TO COUNCIL FOR APPROVAL</b>

## 1 BACKGROUND

- 1.1 The Gambling Act 2005 ('the Act') came into force on 1<sup>st</sup> September 2007 and introduced a new regime to control all gambling.
- 1.2 Under section 349 of the Act, licensing authorities are required to prepare and publish a statement of principles which they intend to apply when exercising its functions under the Act. This statement of principles is referred to as the Statement of Licensing Policy ('Policy').
- 1.3 Following consultation with a wide range of bodies and agencies, this licensing authorities' Policy was approved by full Council on 31<sup>st</sup> October 2006 and came into effect on 31<sup>st</sup> January 2007.

## 2. REVIEW OF STATEMENT OF LICENSING POLICY

- 2.1 Section 349 also requires licensing authorities to review their Policy every three years. The reviewed Policy must come into force on 31<sup>st</sup> January 2010.
- 2.2 The reviewed Policy was sent out for consultation for 12 weeks commencing on 11<sup>th</sup> May 2009. The consultation comprises letters sent to all relevant bodies requesting their comments on the reviewed Policy. A list of the bodies consulted is attached as Appendix 1.

- 2.3 On 10<sup>th</sup> June 2009, the reviewed Policy was considered by the Licensing Committee and no amendments were made by Members.
- 2.4 The consultation period expired on 31<sup>st</sup> July 2009. A schedule listing the responses received is attached as Appendix 2 with the correspondence received attached as Appendices 3 to 8.
- 2.5 The only relevant response was received from the British Beer and Pub Association with regards to not requesting a plan for licensed premises gaming machine permits and inserting details of legislation into the Policy. This response has been considered by Officers and discussed with the Legal Department and it has decided not to include their comments in the Policy. The Policy is intended to detail the principles the Licensing Authority will apply when determining an application rather than including legislation which may be subject to change.
- 2.6 The reviewed Policy will be taken to Full Council on 10<sup>th</sup> November 2009 for final approval and adoption prior to the Policy publication in January 2010. Once the reviewed Policy has been approved, it must be published 4 weeks prior to it coming in effect on 31<sup>st</sup> January 2010.

LIST OF BODIES CONSULTED

Leicestershire Constabulary  
Association of British Bookmakers  
British Amusement Catering Association  
British Casino Association  
Bingo Association  
British Horse Racing Board  
British Greyhound Racing Board  
Club and Institute Union  
British Beer & Pub Association  
Gamcare  
Gamblers Anonymous  
Salvation Army and other faith groups  
Citizens Advice Bureau  
Local healthcare trusts  
Trade unions  
Leicestershire County Council  
Community Welfare department of NWLDC  
Holders of existing licences, permits and registrations who will be affected by  
the provisions of the Act  
Responsible Authorities named in the Act  
Responsibility in Gambling Trust  
Town and Parish Councils

LICENSING COMMITTEE – 9<sup>TH</sup> SEPTEMBER 2009

## COMMENTS ON THE REVIEW OF THE STATEMENT OF LICENSING POLICY

<b>From</b>	<b>Comments</b>
Leicestershire Constabulary	Email received informing that there were no comments to be made.
Ashby Town Council	See attached letter – Appendix 3
Castle Donington Parish Council	See attached letter – Appendix 4
Heather Parish Council	See attached letter – Appendix 5
Kegworth Parish Council	See attached letter – Appendix 6
Gamcare	See attached letter – Appendix 7
Fire Authority	Email received informing that there were no comments to be made
British Beer & Pub Association	See attached letter – Appendix 8

**EMMA MCHUGH**

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**From:** David Price [davidpriceaz@googlemail.com]  
**Sent:** 20 July 2009 16:24  
**To:** LICENSING  
**Cc:** patcort@talktalk.net  
**Subject:** Gambling Act 2005 - invitations for comment

Ref NWLDC's Statement of Licensing Policy as submitted recently for consideration by the Finance, Tourism & General Purposes Committee of Ashby Town Council.

... a nursing home runs a weekly bingo session for its residents;  
... a church organises a 'beetle-drive' evening to raise funds for church repairs;  
... a civic dinner includes a raffle to raise money for charity;  
... a society/association hosts a 'horse-racing betting game' for members and guests;  
... a licensed public house has a weekly Quiz Night.  
and at all of the above there are small prizes.

I suggest that within or attached to the Policy is some guidance and examples as to where or where not the Policy applies, and at what point and under what criteria, for instance, a premises or body is required to register. Common sense applies, of course, but could maybe benefit from a little clarification.

With regards  
Cllr. David Price

**EMMA MCHUGH**

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**From:** Castle Donington Parish Council [clerk@cdpc.org.uk]  
**Sent:** 15 June 2009 14:31  
**To:** EMMA MCHUGH  
**Subject:** Review of Licensing policy

Emma

Further to your letter date 8 May 2009 regarding the above, the Parish Council has now reviewed the document and has no adverse comments to make; however, it would request that it is informed when there are new or amended liquor or gambling licenses issue. It realises that is not a statutory consultee, however, as happens with all planning application, it is very beneficial to those living and working in the parish to know what is happening.

I look forward to receiving your comments.

Regards

Fiona

Mrs FM Palmer  
Clerk to the Council  
The Parish Rooms  
Hillside  
Castle Donington  
DE74 2NH  
Tel: 01332-810432

**EMMA MCHUGH**

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**From:** Parish Clerk [heatherparishcouncil@tiscali.co.uk]  
**Sent:** 30 July 2009 12:19  
**To:** EMMA MCHUGH  
**Subject:** Licensing Policy  
**Attachments:** HPC Licensing Policy Consultation July 2009.doc

Heather Parish Council

Greetings Emma

Please find attached the response on the consultation document from Heather Parish Council. We hope that it will be considered when you produced the reviewed Statement of Licensing Policy.

Thank you for the opportunity to have an input to this document.

Best regards

Jan Shepherd  
Parish Clerk



## Consultation on the Licensing Policy

### Response on behalf of Heather Parish Council

First, we would like to thank you for the opportunity to have an input in this policy document.

We have no problem with any of the items contained within the document. However, we would ask that consideration be given to the following matter:-

Under the previous system of licensing, all Parish Councils were notified of any new license application, of changes to license holders, of changes to landlords etc by a solicitor and were asked to make any comments they felt necessary. If nothing was forthcoming by a set agreed date, then the authorities would assume that there were neither objections nor comments.

Currently, although we have, as a Parish Council, been consulted about this document, we are not notified or consulted when a license is being issued. Point 5 of the document states that "interested parties can make representation about licence applications, or apply for a review of an existing licence." It goes on to define an interested party.

We would suggest that the Parish Council would meet the criteria a and c of this definition, in a village and would, therefore, request that consideration be made to informing Parish Councils directly, via the clerk, as in planning applications, of any new licence applications for the village.

The Parish Council are the front line as far as residents are concerned if there is any trouble, if there are complaints or if any damage is caused to property. Residents tend to contact Parish Councillors or clerk even before the Police in many instances and leave the police contact to the councillors or clerk – this limits involvement on a personal basis. They should, therefore, on that basis have the opportunity to know and comment about what is going to be granted in advance of a licence being issued.

Thank you for your consideration of this matter.



Telephone: (01509) 670204

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15 JUN 2009

# KEGWORTH PARISH COUNCIL

1 LONDON ROAD • KEGWORTH • DERBY DE74 2EU

*Clerk:*

Mrs Lesley Pendleton

Ms. Emma McHugh,  
Licensing Enforcement Officer,  
North West Leics. District Council,  
Council Offices,  
Coalville,  
LE67 3FJ.

Your ref: Lic/EMc/GA2005

11<sup>th</sup> June, 2009.

Dear Ms. McHugh,

## Gambling Act 2005 – Review of Statement of Licensing Policy.

I have been asked by Kegworth Parish Council to thank you for your letter dated the 8<sup>th</sup> May, 2009, the contents of which were discussed at the last Parish Council Meeting.

Both with the Licensing of premises for gambling and the sale of intoxicating liquor, on and off premises, Councillors are very disappointed that the Parish Council is not automatically consulted when a new Licence is applied for or an old Licence is altered.

The District Council is “beavering” away, doing its own thing, and the local elected Parish Councillors are not informed. When challenged on this subject in the past the Parish Council has been told that a Notice is placed outside premises which are the subject of the application and this should suffice. Councillors and the Clerk should see the Notice and react accordingly.

In an environment of more openness, more joined up thinking and more open consultation this way of dealing with applications that, if granted, could so much affect the local environment and people’s lives, is not satisfactory. The same could be done with planning applications, putting the burden of finding out whether an application has been submitted on to neighbours and Parish Councillors. If the Leics. County Council was to carry out its functions in a similar way, saying that the District Council should know what is happening by its Councillors and Officers seeing notices placed outside certain premises, then they too would find this unsatisfactory.

The District Council could write into its Statement of Licensing Policy the requirement for consultation and for the applicant to notify the Parish Council in whose Parish the Licensed premises was situated, therefore removing the burden and cost from the District Council of notification. When Magistrates presided over Licensing, Parish Council’s were required to be notified by the applicant about every application, and this was done by recorded delivery letter.

Although you are adhering to both the Gambling and Licensing Acts, it is within your discretion to require that both neighbours and Parish Councils, where they exist, are notified.

Kegworth Parish Council hopes that you will consider these suggestions.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Lesley Bennett". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Clerk.

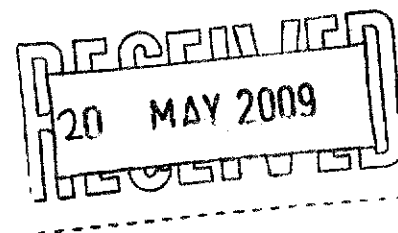


For more information on gambling, visit  
[www.gamcare.org.uk](http://www.gamcare.org.uk)

[www.gamcare.org.uk](http://www.gamcare.org.uk)  
 Helpline 0845 6000133

2nd Floor, 7-11 St John's Hill  
 London SW11 1TR

T 020 7801 7000  
 F 020 7801 7033  
 E [info@gamcare.org.uk](mailto:info@gamcare.org.uk)



Ms. Emma McHugh  
 Licensing Enforcement Officer  
 North West Leicestershire District Council  
 Environment Directorate  
 Environmental Health  
 Council offices,  
 Coalville,  
 Leicestershire LE67 3FJ

18<sup>th</sup> May 2009

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 of Haringey

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Dear Ms. McHugh,

**Gambling Act 2005: Review of Statement of Licensing Policy**

Thank you for sight of the above and the opportunity to comment.

We note that in Part B, paras 3 and 8 you do list the provision of GamCare leaflets and the helpline number as a factor to take into consideration. We have leaflets, posters and stickers for machines that we can readily supply to any operator. In ensuring that problem gamblers know that help exists and how to access it, we are keen that our helpline number and website are displayed as widely as possible. As a charity, we very much rely on the co-operation and good will of the gambling and related industries in this respect.

As well as offering help, support and free counselling for anyone affected by problem gambling, through GamCare Trade Services we use our expertise and experience to provide advice and training to the gambling industry on responsible gambling. This includes training individual staff members about their obligations, how to identify problem gambling behaviour and about self-exclusion. We recognise best practice through GamCare Certification ([http://www.gamcaretradeservices.com/pages/gambling\\_industry.html](http://www.gamcaretradeservices.com/pages/gambling_industry.html)). You can also see on the GamCare Trade Services website which land-based companies have received Certification. You may wish to consider whether GamCare Certification might help inform your work.

I hope this is helpful.

Yours sincerely,

Eileen Kinghan  
 Marketing Director, Gamcare



Market Towers  
1 Nine Elms Lane  
London  
SW8 5NQ

telephone: 020 7627 9191  
facsimile: 020 7627 9123  
enquiries@beerandpub.com  
www.beerandpub.com

From: Rita King, Deputy Director (Pub & Leisure)  
(Direct Line 020 7627 9142; e-mail rking@beerandpub.com)

**05.08.09**

**Emma McHugh,  
Licensing Enforcement Officer,  
North West Leicestershire District Council,  
Coalville  
LE67 3FJ**

Dear Emma,

**Council's Gambling Policy Consultation**

First of all let me apologise for just missing the deadline for comments which was due to an oversight on our part. Thank you for allowing us to respond. The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 98% of beer production and around two thirds of the 53,000 pubs in the UK. Many of our members own and run pubs in North West Leicestershire. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies. Further information is available on our website at [www.beerandpub.com](http://www.beerandpub.com).

Our comments are as follows. This response is also supported by British Institute of Innkeeping (BII), the professional body for the licensed retail sector, the Association of Licensed Multiple Retailers (ALMR), which represents the interests of smaller independent companies within licensed retailing and the Federation of Licensed Victuallers Association (FLVA) which represents self-employed licensees in England.

In Part C 2. (Alcohol) Licensed Premises Gaming Machine Permits you state that the application form must be accompanied by a plan of the premises and the fee.

It is our understanding that there is no legal requirement for applicants to provide a plan of the premises with permit applications. Although the authority may consider a plan, presumably indicating where the gaming machines are to be provided, would be helpful licensing authorities will already have plans of premises on file along with

premises licence applications so being required to submit plans would place another administrative and financial burden on applicants.

Machines are not permanent fixtures and indeed may need to be moved on occasions to ensure proper supervision and management.

We would suggest that the reference to plans accompanying permit applications is deleted or clarified and the policy is amended accordingly.

Also it would be helpful in the same section that the position regarding the automatic entitlement to two gaming machines is explained. There is provision in the Act for premises to automatically have two gaming machines of category C or D and the premises merely need to notify the licensing authority. This entitlement remains in law provided the operator does not breach conditions.

Applications need only be made by premises wishing to have more than two machines.

We suggest the section is amended to cover this.

We trust these comments are helpful and will be taken into account in the final version of the policy.

Yours sincerely,



Rita King  
Deputy Director (Pub & Leisure)