

## **LICENSING COMMITTEE**

A meeting of the **LICENSING COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 19 JANUARY 2005** at the rising of the meeting of the Licensing and Protection Panel and you are requested to attend for the transaction of the following business:-

### **A G E N D A**

#### **APOLOGIES**

**1. MINUTES** (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting of the Committee held on 8<sup>th</sup> December 2004.

**2. LICENSING COMMITTEE PROCEEDINGS** (Pages 5 - 8)

To consider a report by the Head of Administration on proposed proceedings for the Committee.

**3. APPOINTMENT OF SUB COMMITTEES** (Pages 9 - 10)

To consider a report by the Head of Administration to establish sub committees and to appoint members of the Committee to those sub committees.

**4. LICENSING SUB COMMITTEE PROCEDURE** (Pages 11 - 16)

To consider a report by the Head of Administration inviting the Committee to determine the procedure for hearings and meetings of the sub committees.

**5. DELEGATIONS** (Pages 17 - 22)

To consider a report by the Head of Administration inviting the Committee to determine the delegation of functions under the Licensing Act 2003.

**6. LICENSING ACT 2003: AUTHORISED OFFICERS** (Pages 23 - 24)

To consider a report by the Head of Administration inviting the Committee to authorise officers under The Licensing Act 2003 to inspect or enter premises for a variety of purposes.

**7. MEMORANDUM OF UNDERSTANDING AND JOINT ENFORCEMENT PROTOCOL** (Pages 25 - 36)

To receive a report by the Licensing Officer on the preparation of a Memorandum of Understanding and Joint Enforcement Protocol as recommended in the guidance for the Licensing Act 2003.

**8. GAMBLING BILL**

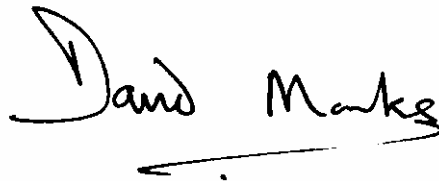
To receive an update on the consideration of the Gambling Bill in Parliament (explanatory notes on the Bill and the LGA's assessment of the key issues for local government are attached)

**9. GAMING ACT 2003: LICENSING OF GAMING MACHINES** (Pages 37 - 42)

To receive a report by the Head of Administration on the determination of applications under the Gaming Act 2003.

Explanatory Notes circulated separately.

Dated this 11 day of January 2005

A handwritten signature in black ink that reads "David Marks". The signature is written in a cursive style with a long horizontal stroke underneath the name.

Chief Executive

**Please contact Mrs H Lack, Democratic Services Officer, Tel No 01480 388006/e-mail: [Helen.Lack@huntsdc.gov.uk](mailto:Helen.Lack@huntsdc.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.**

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (*under Councils and Democracy*).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

***Emergency Procedure***

*In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.*

# Agenda Item 1

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the inaugural meeting of the LICENSING COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 8th December 2004.

PRESENT: Councillors J T Bell, J D Fell,  
Mrs K P Gregory, D Harty, I R Muir, R Powell,  
J M Sadler, L M Simpson, J Taylor,  
R G Tuplin, J S Watt and Ms M Wheeler

### 1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor J M Sadler be elected Chairman of the Committee for the ensuing Municipal Year.

**Councillor J M Sadler in the Chair.**

### 2. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor J T Bell be appointed Vice-Chairman of the Committee for the ensuing Municipal Year.

### 3. LICENSING ACT 2003 STATEMENT OF LICENSING POLICY

With the aid of a report by the Head of Administration (a copy of which is appended in the Minute Book), the Committee were acquainted with the Council's arrangements to adopt the Statement of Licensing Policy as part of its functions under the Licensing Act 2003. The Committee noted the Statement should be approved by the Council prior to 7th January 2005 when it would come into effect for the ensuing three years period.

Members were reminded that at their meeting held on 29th September 2004, the Council had approved a draft Statement for consultation which had ended on 26th November 2004. In total, 228 copies of the Statement and a consultation questionnaire had been issued to relevant authorities and organisations and it had also been published on the Council's website. The Committee were presented with a summary of the responses to the questionnaire and written representations which had been received during the consultation and were pleased to note that the majority had been supportive of the content of the draft Policy. Comments on the representations received had been included in the report submitted and a number of changes had been made to the draft statement to reflect the submissions made.

Members commented upon whether Ward Councillors should sit on a Sub-Committee hearing dealing with premises in their Ward and whether Town and Parish Councils would be consulted on applications received.

In reply, the Head of Administration indicated that it was the duty of the applicant to advertise his application but that he would notify Town and Parish Councils explaining the procedure for applications and how local councils could submit representations if they wished. With regard to Councillors sitting on a Sub-Committee hearings, it was suggested that this would be addressed in the procedural arrangements for Sub-Committee hearings once the Regulations had been issued.

Having been advised that the Cabinet had also been invited to comment on the responses following the consultation period, the Committee

RESOLVED

that the amended Statement of Licensing Policy as appended to the report now submitted be approved and submitted to the Council for confirmation at their meeting to be held on 20th December 2004.

#### **4. LICENSING ACT 2003 - CONSULTATION ON DRAFT FEE LEVELS**

By way of a report by the Head of Administration (a copy of which is appended in the Minute Book), the Committee were advised that the Department of Culture, Media and Sport (DCMS) had published draft regulations on fee levels to be established under the Licensing Act 2003.

In order that the fees could come into effect by the first appointed day of 7th February 2005, the Committee were advised that the closing date for consultation was 23rd December 2004 which left a very limited period for implementation of fees before the first application could be submitted. The proposed fees had been based on the assessed volume of applications under the current licensing regimes and assumptions on the number of applications and objections likely to be received under the new Act. It had been announced by the Government that the level of fees set should achieve a full recovery of the administration, inspection and enforcement costs and had been based upon an average administration cost of £28 per hour, enforcement costs of £45 per hour and professional costs at £60 per hour.

The Committee discussed a number of suggested comments on the draft fee levels which were considered to significantly underestimate the complexity and magnitude of the applications and representations which were likely to be received. In that light, the Committee

RESOLVED

that the comments suggested in the report now submitted be approved for submission to the DCMS.

#### **5. DATE OF NEXT MEETING**

The Committee agreed that the Head of Administration should convene a further meeting as soon as the regulations on the

implementation of the Act had been received.

Chairman

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LICENSING COMMITTEE

19TH JANUARY 2005

## LICENSING COMMITTEE PROCEEDINGS

(Report by the Head of Administration)

### 1. INTRODUCTION

- 1.2 As Members will be aware, the Council have established a new Licensing Committee which is responsible for the discharge of the functions of the Council as licensing authority under the Licensing Act 2003. The only exception is the approval of the statement of licensing policy which is reserved to the Council.
- 1.3 The Act makes specific reference to the proceedings of the Committee and any sub committees which are appointed which, subject to the provisions of any regulations made by the Secretary of State, have to be determined by the Committee itself.

### 2. STATUS OF THE COMMITTEE

- 2.1 The Licensing Committee is not a committee appointed under Section 102 of the Local Government Act 1972. The law relating to the notice of meetings, access to information about meetings, exclusion of the public from meetings, quorum, political balance on the committee etc therefore does not apply.
- 2.2 The Committee is established under Section 6 of the Licensing Act and is permitted to appoint one or more sub committees. The Act makes provision for regulations to be made to prescribe the proceedings of the committee and sub committees but where regulations are not made, such proceedings may be regulated by the Licensing Committee and not the Council. Draft regulations have been issued which propose certain proceedings for hearings of sub committees but regulations are now thought unlikely to be issued for meetings of licensing committees themselves.

### 3. COMMITTEE PROCEEDINGS

- 3.1 In the absence of regulations and in the interest of consistency, it is preferable for the Committee to adopt the provisions of the Local Government Act 1972 in relation to meetings of the committee itself. As the Council have decided that the Committee shall comprise the same membership as the Licensing and Protection Panel, the political balance requirements of the Local Government and Housing Act 1989 will automatically apply.
- 3.2 The Committee will also need to formally adopt some aspects of the Council's constitution in relation to its proceedings including the Council Procedure Rules and Access to Information Rules. These are listed later in this report.

#### **4. SUB COMMITTEE PROCEEDINGS**

- 4.1 The proceedings of the sub committee(s) to be appointed by the Committee will be dependent on the final regulations to be issued by the Secretary of State. However, in view of the absence of the final regulations and the imminence of the first appointed day, a separate report has been prepared based upon the content of the draft regulations.

#### **5. CHANGES TO THE CONSTITUTION**

- 5.1 Some changes to the constitution will be required as a result of the Committee's decisions. These are listed below with the page numbers referring to the appropriate place in the constitution itself –

Article 13 – Decision Making (page 39)

The insertion of the following article –

##### **7A DECISION MAKING BY THE LICENSING COMMITTEE**

The Licensing Committee has adopted the provisions of the Local Government Act 1972 in respect of the proceedings of its meetings and subject to Article 13.8, will follow the Access to Information Procedure Rules and those parts of the Council Procedure Rules applicable to committees and panels set out in Part 4 of this Constitution

Council Procedure Rules (page 155)

In Rule 22, the addition of the following sentence at the end of the Rule – ‘The Licensing Committee has resolved to adopt the Rules that apply to the proceedings of committees, panels etc of the Council but separate proceedings will apply to the hearings of its sub committees.

Access to Information Procedure Rules (page 177)

In Rule 1, the addition of the following sentence at the end of the Rule – “The Licensing Committee has resolved to adopt the Rules for the purpose of its meetings but separate proceedings will apply to the hearings of its sub committees.

#### **6. CONCLUSION**

- 6.1 The manner in which the Licensing Committee and its sub committees is constituted means that it is necessary for the Committee to determine its own procedures for meetings. It is therefore

##### **RECOMMENDED**

- (a) that the Committee adopt the provisions of the Local Government Act 1972 in respect of its proceedings;
- (b) that the Committee adopt the provisions of the Access to Information Procedure Rules and those aspects of the Council Procedure Rules that apply to committees and panels of the Council's constitution in respect of its proceedings; and



- (c) that the Council be recommended to approve the consequential changes to the constitution as listed in Section 5 above;

## **BACKGROUND PAPERS**

Licensing Act 2003  
Draft Regulations for hearings by Licensing Sub-Committees  
The Council's constitution.

**Contact Officer: Mr R Reeves, Head of Administration**  
**☎ (01480) 388003**

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LICENSING COMMITTEE

19TH JANUARY 2005

## APPOINTMENT OF SUB COMMITTEES

(Report by Head of Administration)

### 1. INTRODUCTION

- 1.1 The Licensing Act 2003 enables the Licensing Committee to appoint one of more sub committees and to arrange for the sub committees to discharge certain of their functions.
- 1.2 Separate reports have been submitted to the Committee on the delegation of functions and the procedure to be adopted at sub committee hearings and meetings. This report invites the Committee to establish sub committees and to appoint members of the Committee to those sub committees.

### 2. SUB COMMITTEES

- 2.1 The Act states that a sub committee must consist of three members of the committee. Sub committees of the Licensing Committee are not subject to the political balance requirements.
- 2.2 Having regard to the potential number of hearings of a sub committee that may be required during the transitional period and the urgency in some cases for hearings to be convened at 2 working days notice, it is suggested that a number of sub committees be appointed to provide sufficient flexibility and ensure Members' availability.
- 2.3 To provide all Members with an opportunity of sitting at sub committee hearings and provide maximum flexibility, it is proposed that the Committee be divided into 3 groups of four Members. Each group will be chaired by a single Member - the Chairman, Vice-Chairman and a third Member is suggested – which will provide three combinations per group for a sub committee to comprise the Chairman plus 2 Members.
- 2.4 This would produce a total of 9 sub committees as follows:-

Group A comprising Councillors Sadler, Simpson, Tuplin and Watt

Sub committees –

A1 comprising Councillors Sadler, Simpson and Tuplin

A2 comprising Councillors Sadler, Tuplin and Watt

A3 comprising Councillors Sadler, Simpson and Watt

Group B comprising Councillors Bell, Fell, Mrs Gregory and Taylor

Sub committees –

B1 comprising Councillors Bell, Fell and Mrs Gregory

B2 comprising Councillors Bell, Fell and Taylor

B3 comprising Councillors Bell, Mrs Gregory and Taylor

Group C comprising Councillors Muir, Harty, Powell and Mrs Wheeler

Sub committees

C1 comprising Councillors Muir, Harty and Powell

C2 comprising Councillors Muir, Harty and Mrs Wheeler

C3 comprising Councillors Muir, Powell and Mrs Wheeler

### **3. CONCLUSION AND RECOMMENDATION**

3.1 The Licensing Act requires applications for licences where representations have been received not to be determined by officers and this will require the establishment of a number of sub committees to ensure Member availability.

3.2 It is therefore

#### **RECOMMENDED**

that the Committee establish sub committees each comprising three Members and appoint Members to those sub committees in accordance with paragraph 2.4 above.

#### **BACKGROUND PAPERS**

Nil.

**Contact Officer: Mr R Reeves, Head of Administration**  
**☎ (01480) 388003**

LICENSING COMMITTEE

19TH JANUARY 2005

## LICENSING SUB COMMITTEE PROCEDURE

(Report by the Head of Administration)

### 1. INTRODUCTION

- 1.1 The Licensing Act 2003 enables the Licensing Committee to determine its own proceedings and those of its sub committees, subject to the provisions of any regulations made by the Secretary of State. The draft Hearings Regulations specify a number of requirements for hearings of licensing sub committees but not for meetings of licensing committees themselves.
- 1.2 A separate report has been submitted to the Committee on the proceedings of its own meetings. The purpose of this report is to invite the Committee to determine the procedure for hearings and meetings of the sub committees.

### 2. SUB COMMITTEE PROCEDURE

- 2.1 The Committee will be aware that the sub committees are established solely to determine applications etc. for licences as required under the Licensing Act. Where hearings are convened the sub committees are not subject to the normal committee procedures established under the Local Government Act 1972 and the Council Procedure Rules contained in the constitution.
- 2.2 The attached annex contains a suggested procedure for sub committee hearings which incorporates the requirements of the draft Hearings Regulations. Subsequent amendments may be required following publication of the regulations.

### 3. CONCLUSION AND RECOMMENDATION

- 3.1 The Committee is required to approve proceedings for meetings of its sub committees, subject to the provisions of the Hearings Regulations and it is

#### RECOMMENDED

- (a) that the proceedings set out in the attached annex be adopted for hearings of the licensing sub committees; and
- (b) that the Head of Administration, after consultation with the Chairman and Vice-Chairman of the Committee be authorised to make any consequential changes to the proceedings in the light of the content of the Hearings Regulations once the latter have come into force.

## **BACKGROUND PAPERS**

Draft Hearings Regulations issued by the Secretary of State

## **CONTACT**

**Contact Officer: Mr R Reeves, Head of Administration**  
**☎ (01480) 388003**

**HUNTINGDONSHIRE DISTRICT COUNCIL**  
**LICENSING SUB COMMITTEE PROCEDURE**

**1. Introduction**

- 1.1 The following proceedings apply to the licensing sub committees established by the Licensing Committee of the Huntingdonshire District Council acting as the licensing authority.

**2. Membership**

- 2.1 Each licensing sub committee shall comprise three Members appointed by the Licensing Committee from amongst its membership. A sub committee shall elect a chairman at its first meeting following the annual meeting of the Council in each year and the chairman shall preside at hearings of that sub committee until the ensuing annual meeting. In the event of the chairman not being present at a hearing, the sub committee shall elect a chairman from amongst its members for the purpose of that hearing or meeting.
- 2.2 The quorum for hearings and meetings of a sub committee shall be two members but a sub committee shall make every endeavour to ensure that each hearing is conducted when all three members of the sub committee are present.
- 2.3 Members shall endeavour to be present throughout an individual hearing by a sub committee. If a member of a sub committee is required to leave a hearing temporarily, the chairman shall adjourn the hearing for the duration of the period whilst that member is unavailable. Any member who is absent from a hearing for any reason whilst that hearing is taking place shall be precluded from commencing or continuing to take part in the matter under debate upon his arrival/return and from voting upon the matter at the conclusion of that item of business.
- 2.4 Where the sub committee undertakes a site visit prior to a hearing, a member shall be precluded from taking part in the hearing if he has not attended that site visit.
- 2.5 A Member will not take part in a hearing or meeting at which a matter is being discussed which relates to a premises licence, club premises certificate, temporary events notice or personal licence where either the premises or the person is resident in the Ward which he represents.

**3. Notice of Hearings**

- 3.1 Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of the Hearings Regulations. For the purposes of this procedure, a party is defined as an applicant for a licence, a responsible authority or person or business that has submitted relevant representations in respect of an application and, in certain additional instances, the chief officer of police.

3.2 The notice of the hearing shall be accompanied by a copy of this procedure which sets out

- the right of attendance at a hearing by a party and the right to submit representations etc.
- the consequences if a party does not attend or is not represented at a hearing
- the procedure to be followed at the hearing

3.3 The notice of the hearing will also be accompanied by copies of the documents required by the Hearings Regulations and any particular points upon which the sub committee considers that it will want clarification from a party at the hearing.

#### **4. Action Following Receipt of Notice of Hearing**

4.1 Upon receipt of a notice of a hearing, a party is required to notify the licensing authority whether he intends to attend or be represented at the hearing, whether he intends to call a witness at the hearing, the name of the witness to be called (if any) and whether he considers the hearing to be necessary. A party should notify the licensing authority within the following timescales-

- 1 working day of the hearing in the case of a cancellation of an interim authority notice following police objections or a counter notice following police objection to a temporary events notice;
- 2 working days of the hearing in the case of a review of a premises licence or the conversion of an existing licence or club premises certificate or an application by the holder of a justices' licence for a personal licence; or
- 5 working days of the hearing in all other cases.

4.2 A sub committee may dispense with the holding of a hearing if all of the parties have given notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such circumstances, the Council shall give notice to the parties that the hearing has been dispensed with.

4.3 Where a hearing has been dispensed with, the matter which was to have been the subject of the hearing shall be determined at a meeting of the sub committee.

#### **5. Withdrawal of Representations**

5.1 A party may give notice to the licensing authority no later than 24 hours before the commencement of the hearing that he wishes to withdraw his representations or he may do so orally at the hearing.

#### **6. Extension of Time**

6.1 The sub committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.

6.2 The sub committee may adjourn the hearing or arrange for it to be held on specified additional days, where it considers this to be necessary to consider



any representations made by a party. The parties to the hearing will be notified of the adjournment or rearrangement.

- 6.3 In considering any extension of time or adjournment, the sub committee will not exercise its powers so that an application is deemed as granted or rejected in accordance with the transitional arrangements specified in the Act.

## **7. The Hearing**

- 7.1 The sub committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. The sub committee will normally resolve to exclude the public from that part of the hearing during which the sub committee determines the matter which is the subject of the hearing.
- 7.2 Subject to the above, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified
- 7.3 At the commencement of the hearing, the chairman shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions of clarity or explanation about its contents.
- 7.4 The chairman will invite the applicant or his representative to address the sub committee on his application and to call any witnesses in support of his application. The applicant will be allowed a maximum period of time of twenty minutes in which to address the sub committee and call witnesses.
- 7.5 The applicant or his representative or any of his witnesses may then be asked any questions upon their presentation by any member of the sub committee or by any of the other parties present at the hearing or their representatives.
- 7.6 The chairman will then invite each of the parties at the hearing or their representative sequentially to address the sub committee and call any witnesses. Each party will be allowed a maximum period of time of twenty minutes in which to address the sub committee and call witnesses.
- 7.7 The party or his representative or any of his witnesses may be asked any questions upon their presentation by any member of the sub committee or by the applicant or his representative or any of the other parties present at the hearing or their representatives.
- 7.8 Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, the parties present will be invited by the Chairman to indicate whether they wish to comment on the representations submitted.
- 7.9 Where appropriate, the chairman shall remind the parties that their representations should be relevant to the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm. If, in his opinion, the chairman feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that

he will no longer be heard. Where in the opinion of the chairman, a party is being repetitious, vexatious or slanderous in his remarks, the chairman may first warn the party and may then advise the party that he will no longer be heard. The ruling of the chairman shall be final in such circumstances.

- 7.10 After each party has addressed the sub committee and after comments have been invited on written representations, the applicant or his representative will be invited by the chairman to sum up his application for a time not exceeding two minutes but without introducing any new evidence to the proceedings.
- 7.11 The Chairman may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon complying with such conditions as the chairman may specify. However any such person may submit any evidence in writing that they proposed to give orally, provided that they do so before the end of the hearing.

## **8. Determination of Applications**

- 8.1 At the conclusion of the hearing, the sub committee will determine the application in accordance with the timescales specified in the Hearings Regulations but, in any event, will endeavour to do so as soon as practicable after the hearing has concluded.
- 8.2 Where a hearing has been dispensed with in accordance with paragraph 4.2 above, the application will be determined by the sub committee within 10 working days of notice having been given to the parties that the hearing has been dispensed with.
- 8.3 The licensing authority will notify the applicant and parties of its decision forthwith upon the making of the decision.

## **9. Meetings of the Sub Committee**

- 9.1 Any meetings of the sub committee, other than hearings described above, shall be subject to the proceedings adopted by the Licensing Committee for the conduct of its own business except where otherwise stated above.

## LICENSING COMMITTEE

19TH JANUARY 2005

### DELEGATIONS

(Report by the Head of Administration)

#### 1. INTRODUCTION

- 1.1 The Licensing Act 2003 provides that the functions of the Council as the licensing authority will be carried out by its Licensing Committee, with the exception of the statement of licensing policy. The Licensing Committee may delegate those functions to sub committees or to officers.
- 1.2 The purpose of this report is to invite the Committee to determine the delegation of functions under the Act.

#### 2. DELEGATIONS

- 2.1 The guidance issued by the Secretary of State recommends that functions as far as possible should be delegated in the interests of speed, efficiency and cost-effectiveness, especially as many decisions are administrative in nature. The Act provides that where there are no relevant representations to the grant of a premises licence or a club premises certificate or police objections to the grant of a personal licence or to a temporary events notice, those matters should be dealt with by officers to expedite the process. Where representations are made, a hearing of a licensing sub committee must be held unless the parties concerned accept that this is unnecessary.
- 2.2 The Secretary of State's guidance recommends that the Council's statement of licensing policy should indicate how the Council intends to approach its various functions and the statement reflects the guidance as to which functions should be dealt with by sub committees and which by officers. Some minor variation to the summary of the delegations in the draft statement was made upon closer examination of the legislation in order that the statement was confirmed prior to the deadline of 7th January 2005.
- 2.3 The guidance also requires the Committee to receive regular reports on decisions made by officers so that they maintain an overview of the general licensing situation.
- 2.4 A schedule is attached which lists all of the functions proposed for delegation with recommendations as to whether these should be dealt with by the sub committees or officers.

### **3. CONCLUSION AND RECOMMENDATION**

- 3.1 The Committee is required to determine the process by which applications, etc will be determined under the Act and to summarise the delegations in the statement of licensing policy.

It is therefore

#### **RECOMMENDED**

- (a) that the Committee approve the attached schedule of delegations under the Licensing Act 2003; and
- (b) that the delegation of functions as set out in the attached schedule be summarised in the statement of licensing policy.

### **BACKGROUND PAPERS**

Guidance issued by Secretary of State for Culture, Media and Sport  
Draft statement of licensing policy

**Contact Officer:**      **Mr R Reeves, Head of Administration**  
   **☎ 01480 388003**

## LICENSING ACT 2003 – SCHEDULE OF DELEGATIONS

Licensing Act 2003	Function	Delegation
Section 120	Determination of application for personal licence where no objection from Police	Head of Administration (or in his absence the Central Services Manager)
	Determination of application for personal licence where objection notice submitted by Police	Licensing Sub Committee
Section 121	Determination of application for renewal of personal licence where no objection from Police	Head of Administration (or in his absence the Central Services Manager)
	Determination of application for renewal of personal licence where objection notice submitted by Police	Licensing Sub Committee
Section 124	Revocation of a personal licence	Licensing Sub Committee
Section 18	Determination of application for premises licence where no relevant representations received	Head of Administration (or in his absence the Central Services Manager)
	Determination of application for premises licence where relevant representations received	Licensing Sub Committee
Section 31	Determination of application for provisional statement where no relevant representations received	Head of Administration (or in his absence the Central Services Manager)
	Determination of application for provisional statement where relevant representations received	Licensing Sub Committee
Section 35	Determination of application to vary premises licence where no relevant representations received	Head of Administration (or in his absence the Central Services Manager)

Section 39	Determination of application to vary premises licence where relevant representations received	Licensing Sub Committee
	Determination of application to vary premises licence in relation to premises supervisor where no relevant representations received	Head of Administration (or in his absence the Central Services Manager)
	Determination of application to vary premises licence in relation to premises supervisor where relevant representations received	Licensing Sub Committee
Section 44	Determination of application to transfer premises licence where no relevant representations received	Head of Administration (or in his absence the Central Services Manager)
	Determination of application to transfer premises licence where relevant representations received	Licensing Sub Committee
Section 48	Cancellation of interim authority notice where objection submitted by Police	Licensing Sub Committee
Section 52	Determination of application for review of premises licence	Licensing Sub Committee
Section 167	Determination of review of premises licence following closure order	Licensing Sub Committee
Section 72	Determination of application for club premises certificate where no relevant representations received	Head of Administration (or in his absence the Central Services Manager)
	Determination of application for club premises certificate where relevant representations received	Licensing Sub Committee

Section 85	Determination of application to vary club premises certificate where no relevant representations received	Head of Administration (or in his absence the Central Services Manager)
	Determination of application to vary club premises certificate where relevant representations received	Licensing Sub Committee
Section 88	Determination of application for review of club premises certificate	Licensing Sub Committee
Section 90	Withdrawal of club premises certificate	Licensing Sub Committee
Section 105	Issue of counter notice to temporary events notice where objection notice submitted by Police	Licensing Sub Committee
Various	Agreement that a hearing is unnecessary where representations received	Head of Administration (or in his absence the Central Services Manager) after consultation with the Chairman or Vice Chairman of the Committee
Various	Decision as to whether representation is frivolous, vexatious etc.	Head of Administration (or in his absence the Central Services Manager) after consultation with the Chairman or Vice Chairman of the Committee
Various	Instigation of proceedings for contravention of the provisions of the Act	Head of Administration (or in his absence the Central Services Manager) after consultation with the Chairman or Vice Chairman of the Committee

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LICENSING COMMITTEE

19TH JANUARY 2005

**LICENSING ACT 2003  
AUTHORISED OFFICERS  
(Report by Head of Administration)**

**1. INTRODUCTION**

- 1.1 The Licensing Act 2003 enables officers authorised by the Council to inspect or enter premises for a variety of purposes. This report invites the Committee to authorise officers under the Act.

**2. AUTHORISATIONS**

- 2.1 An authorised person under the Act includes an inspector appointed under the Health and Safety at Work Act and an officer authorised by a local authority for the purposes of exercising one or more of its statutory functions in relation to minimising or preventing the risk of pollution to the environment or of harm to human health.
- 2.2 Guidance also suggests that when carrying out their duties on behalf of the local planning authority, local environmental health authority etc. either as consultees in the licensing process or in undertaking inspections, officers will be acting in that capacity and will already be authorised under the relevant legislation. Authorisations by the Committee need therefore only relate to officers carrying out the functions of the licensing authority under the Act.
- 2.3 The Act enables authorised persons to enter premises before applications are determined and licences are reviewed. In the case of clubs, such inspections can only be made within 14 days of the receipt of an application and subject to 48 hours notice. Authorised persons can also enter premises with a premises licence or club premises certificate or which are the subject of a temporary events notice to make sure that the activities being undertaken comply with the conditions of the permission or notice. There is no right of entry to premises which have a club premises certificate only. An offence is created if an authorised person is intentionally obstructed from acting in accordance with the authorisation.

### **3. CONCLUSION AND RECOMMENDATION**

- 3.1 The Committee is required to authorise officers for the purposes of the Act and it is therefore

#### **RECOMMENDED**

that the following officers be authorised under section 13 of the Licensing Act 2003:-

Head of Administration  
Central Services Manager  
Licensing Officer  
Assistant Licensing Officers.

### **BACKGROUND PAPERS**

Nil

**Contact Officer: Roy Reeves – TEL: (01480) 388003.**

LICENSING COMMITTEE

19TH JANUARY 2005

**LICENSING ACT 2003  
MEMORANDUM OF UNDERSTANDING AND JOINT ENFORCEMENT  
PROTOCOL  
(Report by the Licensing Officer)**

**1. INTRODUCTION**

- 1.1 The purpose of this report is to advise the Committee of the preparation of a Memorandum of Understanding and Joint Enforcement Protocol which was recommended in guidance issued by the Secretary of State under Section 182 of the Licensing Act
- 1.2 The guidance recommends that licensing authorities should establish protocols with the police on enforcement issues to provide a more efficient deployment of officers of both the licensing authority and the police on enforcement and inspection. The protocol should provide for the targeting of agreed problems and high risk premises whilst giving a lighter touch to low risk and well run premises. Inspections should not be undertaken routinely but only when they are judged necessary with the principle of risk assessment and targeting being the aim.

**2. INFORMATION**

- 2.1 Following meetings between officers of the Cambridgeshire licensing authorities, police, fire and trading standards, a Memorandum of Understanding and Joint Enforcement Protocol (Appendix A) has been prepared as a draft document. The group is due to meet with Chief Superintendent Phillipson who has been tasked by the Chief Constable in taking the document forward.

**3. CONCLUSION**

- 3.1 The document will clearly need more time devoted to it before it is agreed by all parties. However the comments of the Committee would be welcome on the draft proposals.

**Background papers**

Licensing Act, 2003  
Guidance under 182 of the Licensing Act, 2003.

**Contact Officer: Mr G Peck**  
 **01480 388010**

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## **Licensing Act 2003**

### **Memorandum of Understanding and Joint Enforcement Protocol signed between**

**XXX Council (the Licensing Authority) and**

- 1. Cambridgeshire Constabulary**
- 2. Cambridgeshire & Peterborough Fire & Rescue Authority**
- 3. Cambridgeshire County Council Trading Standards Service**
- 4. Cambridgeshire County Council Social Services**
- 5. XXX Council Environmental Health Service**

The above statutory organisations are the Parties to this Memorandum of Understanding and Joint Enforcement Protocol.

XXX Council and Cambridgeshire Constabulary, Cambridgeshire & Peterborough Fire & Rescue Authority and Cambridgeshire County Council aim to provide safe environments for the community of Huntingdonshire.

The Licensing Act 2003 introduces a new regime for the licensing of a variety of activities, including places where alcohol is sold and entertainment is provided. It sets out four equal licensing objectives which are to be promoted by licensing authorities, in conjunction with other "responsible authorities", as defined by the Act, and the holders of licences.

These are:

1. The prevention of crime and disorder
2. The promotion of public safety
3. The prevention of public nuisance
4. The protection of children from harm

Each Party has enforcement responsibilities in relation to premises licensed under the Act and recognises the importance of effective co-operation and liaison to ensure that premises licence holders, designated premises supervisors, personal licence holders, club premises certificate holders and those submitting temporary events notices understand and comply with the law.

The Government has strongly recommended that protocols be set up between authorities and this document has been prepared with that in mind.

The purpose of this document is to ensure efficient and effective co-operation between agencies when dealing with areas of mutual interest, to secure:

1. High levels of open communication between agencies
2. Clear lines of responsibility regarding enforcement of the law
3. Sharing intelligence, where appropriate to enable effective enforcement of the law

It sets out the steps that have been agreed to achieve that aim.

### **Communication**

Good communication between agencies is vital to ensure that information of mutual interest is shared effectively and, in particular, where responses are required within a tight timescale to meet statutory periods for determination of applications, that deadlines can be met. It is important that each organisation has a reliable contact point, and will identify nominated officers and their deputies. There must be a clear understanding about when, where and how contact shall be made, including for emergencies.

### **Sharing Intelligence**

The parties to this Memorandum of Understanding need to share information about premises and people currently licensed or proposed to be licensed, in such a way as to enable the effective operation of the licensing process. This agreement automatically enables the sharing of information by all parties in compliance with the rules on Data Protection, Freedom of Information and Human Rights.

### **Data Protection and exchange of information**

Section 29 of the Data Protection Act 1998 allows for the exchange of information for the purposes of the prevention of crime or the apprehension of offenders.

Section 115 of the Crime and Disorder Act 1998 allows for information to be specifically exchanged between the Police and the Licensing Authority.

Parties to this Protocol may disclose information to other Parties for these purposes providing that the local Protocols applicable to each organisation for data protection are observed. Every request for information under the Act must be made in writing giving reasons why disclosure is necessary.

Information supplied must only be used for the purpose for which it is obtained, must be securely retained whilst in the possession of the responsible authority that has requested it, and must be securely disposed of when no longer required. It must not be further transmitted to a third party without the consent of the original authority that supplied the information.

This part of the Protocol may be supplemented by any Memorandum of Understanding on data exchange agreed either at a local or national level.

## **Enforcement Action**

Enforcement action taken in respect of breaches of legislation will remain the responsibility of the agency designated for each piece of legislation, but the outcome of such action should be fed into the process for determining applications and reviewing the status of licences currently in force.

The Licensing Act does not transfer from the Police or the Fire Authority powers of enforcement for any pieces of legislation. From time to time, however, it may be expedient for joint inspections to be carried out by officers from the licensing authority and officers from one or more of the relevant responsible authorities but not of clubs.

Joint inspections will normally be conducted on the basis of a risk assessment applied to all licensed premises, or in response to specific complaints. Responsibility for seeking a joint inspection will rest with the responsible authority with the expertise in dealing with the complaint in question (e.g. the Environmental Health Service for prevention of nuisance; the Fire & Rescue Service for fire risk issues)

## **Relevant legislation:**

1. **Licensing Act 2003** – provides a clear focus on the promotion of the licensing objectives; introduces better and more proportionate regulation to give customers more choice, whilst providing the necessary protection for local residents and others.
2. **Police Act 1964** – imposes a primary responsibility on the Police Authority to maintain an adequate and effective Police Force.
3. **Fire & Rescue Services Act 2004** – places a duty on the Fire Authority to provide efficient arrangements for the giving, when requested, of advice in respect of buildings and other property as to fire prevention, restricting the spread of fires and means of escape in case of fire.
4. **Crime & Disorder Act 1998** – places a statutory requirement on Police Services, Local Authorities and other agencies to tackle crime and disorder by working in partnership.

## **Offences**

(Note abbreviations), as follows:

- LA = Licensing Authority
- CPC = Club Premises Certificate
- DPS = Designated Premises Supervisor
- PLH = Premises Licence Holder
- AO = Authorised Officer

The Parties agree that the prime responsibility for enforcing the offences under the Act should lie as follows:

<b>Section</b>	<b>Offence</b>	<b>Authority</b>
33 (6)	Failure to notify LA of change of name or address of PLH or DPS	LA
40 (2)	Failure to notify existing DPS of variation to premises licence to exclude them	LA
41 (5)	Failure to provide premises licence to LA upon removal of DPS	LA
46 (4)	Failure to notify DPS of application for transfer of premises licence	LA
49 (5)	Failure to notify DPS of grant of interim authority notice	LA
56 (3)	Failure to provide premises licence at request of LA for amendment	LA
57 (4)	Failure to keep or display premises licence on premises	LA
57 (7)	Failure to produce premises licence to an AO for examination	LA
59 (5)	Obstruction of an AO entering premises to inspect before grant of a licence, review or a statement	LA
82 (6)	Failure to notify of change of name or alteration of rules of a club	LA
83 (6)	Failure to notify of a change of registered address of club	LA
93 (3)	Failure to produce CPC for amendment within 14 days of LA request	LA
94 (5, 6, 9)	Duty to keep, display and produce club premises certificate at premises	LA
96 (6)	Inspection of premises before grant etc of club premises certificate	LA
108 (3)	Obstruction of an AO in inspecting temporary event premises	LA or Police
109 (4)	Failure to keep or display temporary event notice on premises	LA
109 (8)	Failure to produce temporary event notice to an AO	LA
123 (2)	Failure to notify LA of conviction for relevant offence during application or renewal period	LA
127 (4)	Failure to notify LA of change of name or address of personal licence holder	LA



128 (6)	Fail to notify court of personal licence or "notifiable event" when being dealt with for a relevant offence	Police or LA
132 (4)	Failure to notify LA of conviction for relevant or foreign offence	LA
134 (5)	Failure to produce personal licence within 14 days to LA for updating	LA
135 (4)	Failure to produce personal licence to an AO whilst on premises to sell or authorise sale of alcohol	LA or Police
136 (1)	Allowing unauthorised licensable activities	LA or Police
137 (1)	Unauthorised exposure for retail sale of alcohol	LA or Police
138 (1)	Unauthorised possession of alcohol with intent to sell or supply	LA or Police
140 (1)	Allowing disorderly conduct on licensed premises	Police or LA
141 (1)	Sale or supply of alcohol to person who is drunk	Police or LA
142 (1)	Obtaining alcohol for a person who is drunk	Police or LA
143 (1)	Failure to leave licensed premises following a request from a PC or AO	Police
144 (1)	Keeping unlawfully imported goods on relevant premises	Police or Customs and Excise
145 (1)	Allowing unaccompanied children under 16 on relevant premises when alcohol is being supplied	LA or Police
146 (1, 2, 3)	Sale or supply of alcohol to children under 18	LA, Police or Trading Standards
147 (1, 3)	Allowing sale or supply of alcohol to children under 18	LA, Police or Trading Standards
148 (1, 2)	Sale or supply of liqueur confectionery to children under 16	LA or Police
149 (1, 3, 4)	Purchase or supply of alcohol by or on behalf of children under 18	LA or Police
150 (1, 2)	Consumption on relevant premises of alcohol by children under 18, or knowingly allowing it to occur	LA or Police
151 (1, 2, 4)	Delivering or permitting others to deliver alcohol to children under 18	LA or Police
152 (1)	Sending a child under 18 to obtain alcohol for consumption	LA or Police
153 (1)	Permitting children under 18 to sell or supply alcohol children	LA or Police

156 (1)	Sale of alcohol in or from a moving vehicle	Police
158 (1)	False statement in connection with a licensing application	LA
160 (4)	Keeping premises open in contravention of an area closure order	Police or LA
161 (6)	Permitting premises to be open in contravention of a premises closure order	Police or LA
165 (7)	Permitting premises to be open in contravention of a Magistrates' closure order	Police or LA
179 (4)	Obstructing entry by a PC or an AO to premises to check on the carrying out of licensable activity	Relevant responsible authority

### **Investigation of offences**

When the licensing authority or a responsible authority has become aware of an offence and would like another more appropriate responsible authority (or the licensing authority) to take formal action, they will take the following steps:

1. early discussion with the appropriate authority, including (unless in cases of extreme urgency) the licensing authority's enforcement officer
2. supply the relevant authority in a timely manner all of the relevant evidence (whether subsequently used or unused)
3. set out in writing details of the offence and request that the relevant authority take action

Once in receipt of a written request to take action the appropriate authority will:

1. assess the facts and take appropriate action in accordance with its own enforcement policy. The appropriate authority will, unless immediate action is required, commence an investigation within a maximum of 15 working days of receipt of the complaint.
2. inform the authority that initiated the complaint, and any other relevant authority, of the action taken, and reasons why.

### **Responsibility for Prosecutions**

Section 186 of the Act provides that proceedings for offences under the Act may be instituted by:

1. the Licensing Authority
2. the Director of Public Prosecutions
3. for offences under Ss. 146 and 147, the Local Weights and Measures Authority

It is expected that the Police and the Weights & Measures Authority will normally bring proceedings, including the issue of formal cautions, as a result of offences which they have investigated, unless, in the case of some minor offences, it is specifically agreed that the Licensing Authority will do so. (This may, for example, be part of a prosecution which relates to a series of matters of which the offences form part).

In all other cases, the Licensing Authority will be the prosecuting authority.

### **Register of Cautions**

The Licensing Authority will maintain a register of formal cautions issued to holders of personal licences, premises licences, club premises certificates or persons issuing a temporary event notice.

### **Notification of prosecutions and cautions**

Notwithstanding the duty of the court in section 131 (duty to notify the Licensing Authority of convictions) the appropriate prosecuting authority will inform the Licensing Authority within five working days of any conviction or caution under the Act.

The Licensing Authority for these purposes is the Licensing Authority that issued the personal licence, premises licence, club premises certificate or which received the temporary event notice, even if not a party to this Protocol.

The notification shall be in writing and shall state:

1. the name and address of the person convicted or cautioned
2. the nature and date of the conviction or caution and
3. the details of any conviction including any order under section 129 of the Act.

### **Liaison between Parties to this Agreement**

Liaison meetings will take normally place between the Licensing Authority and the Police on a monthly basis and with other responsible authorities on a basis to be agreed, but not less than annually.

Responsible Authorities will determine the basis for liaising with each other, but this will be not less than annually.

## **Consultation on applications**

The Licensing Authority will consult with all responsible authorities on each application, in accordance with Regulations made under the Act.

*(NB It is expected that this section will be expanded, once the Regulations and timescales for responses to consultations have been determined. It will be important to establish a clear set of agreed procedures, to enable responsible authorities to make full representations, where necessary, so that the Licensing Authority can determine every application within the required period, by reference to a committee, where their procedures require it.)*

## **Applications for review of a licence**

This document recognises the right of any responsible authority to apply to the Licensing Authority for a licence or club premises certificate to be reviewed at any time.

Except in extreme cases (where there has been a serious incident of crime and disorder, a serious risk to public safety, a serious incident of public nuisance or a serious incident related to the protection of children from harm) the responsible authority seeking a review will be expected to:

1. give an early indication to the Licensing Authority of the events requiring an application.
2. seek an informal resolution to the matter if possible or appropriate.
3. be able to demonstrate to the Licensing Sub Committee hearing the application for a licence review that, where appropriate, alternative approaches to dealing with the situation leading to the application have first been attempted.

## **Definition of Terms**

It is important that any terminology used is recognised by all personnel in each service. Wherever possible, terminology should be the same and have a clear meaning. An understanding of any new or replacement phrases must be conveyed to all parties to this document.

## **Procedural Review**

All parties to this agreement shall periodically review this document to ensure that it maintains a suitable response and working arrangement for all licensing functions and achieves necessary feedback to assist in meeting the statutory objectives.

Signed .....  
[NAME]  
XXX Council (Licensing Authority)

Signed .....  
[NAME]  
Cambridgeshire Constabulary

Signed .....  
[NAME]  
Cambridgeshire & Peterborough Fire & Rescue Authority

Signed .....  
[NAME]  
Cambridgeshire County Council (Trading Standards Service)

Signed .....  
[NAME]  
Cambridgeshire County Council (Social Services)

Signed .....  
[NAME]  
XXX Council (Environmental Health Service)

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LICENSING COMMITTEE

19TH JANUARY 2005

**GAMING ACT 2003  
LICENSING OF GAMING MACHINES  
(Report by Head of Administration)**

**1. INTRODUCTION**

- 1.1 In addition to introducing changes to the licensing of the sale and supply of alcohol and regulated entertainment, the Licensing Act 2003 also transfers responsibility for the licensing of gaming machines in licensed premises from the licensing justices to district councils. The purpose of this report is to make provision for the determination of applications.

**2. LICENSING OF GAMING MACHINES**

- 2.1 The Gaming Act 1968 provides for gaming machines in different categories of premises to be licensed by separate authorities:-

- (a) magistrates courts in the case of registered clubs and institutes;
- (b) licensing justices in the case of premises with justices licences for the sale of intoxicating liquor; and
- (c) local authorities for all other premises.

- 2.2 The courts will remain responsible for gaming machines in clubs and institutes, even though the Council will become the authority that determines the grant of club premises certificates for the supply of alcohol in those premises. However responsibility for gaming machines in premises with a premises licence will transfer to the Council with the introduction of the Licensing Act. This is defined as a licensing function for the purposes of the Act which means that it therefore becomes the responsibility of the Licensing Committee. The licensing of gaming machines in all other premises will remain the responsibility of the Licensing and Protection Panel.

- 2.3 In the event of the enactment of the Gambling Bill, the system for the licensing of gaming machines will fundamentally change and the Gaming Act 1968 will be repealed in its entirety.

- 2.4 The transfer of responsibility for the licensing of gaming machines in premises with a premises licence is not the subject of a transitional period. Existing permits will remain valid for any unexpired period of their three years life, after which application will need to be made to the Council for their renewal as opposed to the licensing justices.

- 2.5 The current licensing provisions of the Gaming Act are almost identical for machines in both licensed and unlicensed premises. This includes a requirement for an applicant to be afforded a hearing by the licensing authority before an application for the grant or renewal of a permit is refused. It is suggested that this be dealt with by way of a hearing of a Licensing Sub Committee.

### **3. CONCLUSION AND RECOMMENDATIONS**

- 3.1 Pending the possible enactment of the Gambling Bill, the Council will become responsible for the licensing of gaming machines in premises which have a premises licence under the Licensing Act 2003. With effect from the commencement of the relevant section of the Act, it is therefore

#### **RECOMMENDED**

- (a) that the Head of Administration (or in his absence the Central Services Manager) be authorised to approve applications for the grant or renewal of a permit for gaming machines in premises with a premises licence;
- (b) that the Licensing Sub Committee be authorised to hold a hearing and to determine applications for the grant or renewal of a permit for gaming machines in cases where an objection to the application has been received or the Head of Administration (or in his absence the Central Services Manager) is minded to refuse the application; and
- (c) that the Head of Administration (or in his absence the Central Services Manager) be authorised after consultation with the Chairman of the Committee (or in his absence the Vice Chairman) to instigate proceedings for contravention of the relevant parts of the Gaming Act or the terms of a permit issued by or under the authority of the Committee.

#### **BACKGROUND PAPERS**

Nil.

**Contact: Roy Reeves, Head of Administration – TEL: (01480) 388003.**



### Further information

Copies of the bill and explanatory notes of the bill are available from the Stationery Office on 020 7242 6393 or from the Parliament website at [www.parliament.uk](http://www.parliament.uk)

If you require further information on the LGA position on The Gambling Bill, please contact either Trish O'Flynn on 020 7664 3129, [trish.o'flynn@lga.gov.uk](mailto:trish.o'flynn@lga.gov.uk) or Kevin Hoctor on 020 7664 3334, [kevin.hoctor@lga.gov.uk](mailto:kevin.hoctor@lga.gov.uk)

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## The Gambling Bill

### Key issues for local government

The bill implements many of the recommendations of the Gambling Review Body (the Budd Report, 2001) and removes a number of the current restrictions on gambling as well as establishing a new unified regime, covering remote gambling for the first time.

Local authorities will licence gambling premises in their areas, such as betting shops, casinos and bingo halls, while commercial operators and individual staff will be licensed by a new central body, the Gambling Commission.

The LGA welcomes the bill's transfer of licensing powers over gambling premises to local councils because this will give residents a stronger voice on the granting of licences, as decisions will be made by elected local representatives who are accountable to their communities.

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### **How will the bill aid regeneration?**

In some areas relaxation of gambling restrictions may bring regeneration benefits in terms of increased tourism and a number of councils are keen to explore this. However, other councils have expressed concern that in deprived areas regeneration through the relaxation of gambling laws is unlikely to address local poverty in the short-term.

### **What is the LGA's view?**

It is the view of LGA that while a number of local authorities will want to take advantage of the opportunities for regeneration presented by the development of large new casinos, we also recognise that an increase in the availability of gambling could increase the potential for harm to children, young adults and vulnerable people. Local gambling licensing policies will have to balance these potential benefits and risks to the local community.

In terms of employment, there is a concern that many of the job opportunities in gambling premises for members of disadvantaged communities are likely to be low skilled. We would be keen to see opportunities for 'upskilling' provided by gambling operators, to allow access to wider opportunities.

With regard to the nighttime economy, the LGA is concerned that town and city centres, which are already under pressure from the increase in late night venues and the forthcoming deregulation of alcohol and entertainment licensing following the Licensing Act 2003, will be further affected by public nuisance associated with gambling premises. For this reason the LGA is seeking an amendment to insert an additional licensing

objective on 'the prevention of public nuisance' to the bill.

### **How will the bill impact on social inclusion?**

While gambling can be a legitimate form of entertainment for people who can afford to lose money, for disadvantaged communities the promise of a way out of poverty presented by gambling is a powerful draw; the impact of problem gambling on personal and family debt could put vulnerable people at an even greater risk.

### **What is the LGA's view?**

The LGA would wish to sound a note of caution with regard to the problems that could arise, that would be contradictory to the work local authorities are doing to alleviate child poverty and financial exclusion. The LGA believes that the bill should be amended to allow councils discretion to impose an area wide ban on particular types of gambling premises where such restrictions are reasonable to secure the social well-being of the area.

### **How will the bill allow councils to control proliferation of gambling premises?**

When making decisions councils will have to have regard to their local gambling licensing policy, Gambling Commission Codes of Practice and the licensing objectives. These are: the prevention of crime or disorder; fair and open gambling, and, the protection of children and other vulnerable persons. In response to the LGA's recommendations to the Joint Committee on the Bill, the government introduced powers for local

authorities to resolve not to allow new casinos in their area.

### **What is the LGA's view?**

The LGA believes that this bill should give councils genuine freedom to determine whether they wish to take advantage of increased gambling opportunities in their area or not. While we welcome the power to refuse new casino licences, we believe that this should be extended to all kinds of new gambling premises, as recommended in the report of the Gambling Review Body. The development of this industry as a result of the deregulatory aspects of the bill is an unknown quantity, and we believe that local decision making, rather than national limits or regional direction, is the only way to ensure maximum benefits for local communities.

### **What else does the bill cover?**

The bill establishes the Gambling Commission and local licensing authorities; sets out offences, including limiting the participation of children and young people in gambling; establishes a new lotteries regime and provides for prize gaming in certain locations, and private and non-commercial gambling; creates new rules for advertising, including new offences relating to advertising foreign or unlawful gambling; and provides for enforceable contracts relating to gambling, repealing 18 and 19 century law in relation to gambling debts.

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