
Licensing Committee

Report of the meeting held on 19th January 2006

Matter for Information

6. LICENSING ACT 2003 – LICENSING OF GAMING

The Licensing Act 2003 has transferred responsibility for the licensing of gaming machines in premises for the supply of alcohol from the licensing justices to the District Council. Pending the implementation of the Gambling Act 2005, which is anticipated with effect from September 2007, the Committee has approved the necessary delegations to enable new applications to be determined. Existing permits will continue but the records will need to be transferred from the justices to the Council. Gaming machines in registered clubs will remain the responsibility of Magistrates Courts until such time as the Gambling Act comes into force. Accordingly the Committee has authorised the Head of Administration or in his absence the Central Services Manager to determine applications for the grant and renewal of permits for gaming machines, prize gaming and the making and varying of orders for playing certain games on premises under the Gaming Act 1968 and the Lotteries and Amusement Act 1976. In the event of objections being received or if the Head of Administration is minded to refuse an application, the Committee has agreed that a Sub-Committee will determine the application in such circumstances.

7. LICENSING ACT 2003: MEMORANDUM OF UNDERSTANDING AND JOINT ENFORCEMENT PROTOCOL

Further to Item No. 8 of the Report of the Committee submitted to the Council at its meeting held on 16th February 2005, the Committee has approved the content of a Memorandum of Understanding and Joint Enforcement Protocol for matters relating to the Licensing Act 2003 following agreement being reached between the licensing and responsible authorities in Cambridgeshire. The Protocol covers such matters as the sharing of intelligence, communication, data protection, exchange of information, investigation of offences and prosecution.

8. LICENSING ACT 2003: REVIEW OF DCMS GUIDANCE

The Committee has commented on the first stage of a two phase review of the statutory guidance issued by the Department of Culture, Media and Sport under the Licensing Act 2003. In so doing, the Committee has requested improved guidance and clarity on a number of matters that emerged during the transitional period for the transfer

of liquor licensing from the justices to the Council over the course of 2004. These include the authorisation of alcohol sales, the definition of the term premises, the licensing of public land, carol singing, operating of premises and the circumstances under which conditions can be attached to licences.

9. LEL CLUB, ST. IVES: LICENSING APPEAL

The Committee is pleased to report that Huntingdonshire Magistrates have dismissed an appeal against a decision made by a Licensing Sub-Committee, at a hearing in August 2005, not to extend the hours during which alcohol could be supplied at the LEL Club, London Road St. Ives. The Magistrates found evidence of public nuisance caused by users of the club, did not accept that a solution could be identified in the short term and decided that an extension of hours would add to the major problems experienced by interested parties who lived in the vicinity of the premises.

10. GAMBLING COMMISSION: STATEMENT OF PRINCIPLES

The Committee has commented on a draft Statement of Principles published by the Gambling Commission which will govern the way in which the Commission will regulate gambling in the future. In so doing, the Committee has generally supported the aims set out in the statement but suggested that clarification would be helpful to avoid confusion between the roles of the Commission and licensing authorities in respect of the prevention of disorder and the protection of children when licensing operators and premises respectively.

11. GAMBLING ACT 2005

The Committee has been advised that the statutory guidance under the Gambling Act 2005 will be issued in three parts by the Gambling Commission for consultation. The first will concentrate on matters that are primarily intended to assist licensing authorities on the development and preparation of local statements of premises licensing policy which will need to be prepared over the forthcoming year in advance of applications for licensees being received in January 2007.

Further information on the implications of the legislation will be reported to Members as this becomes available.

J M Sadler
Chairman