

Committee: Licensing and Environmental Health

Agenda Item

Date: 27 March 2013

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Title: REVIEW OF THE LICENSING POLICY

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Item for decision

Summary

1. The council's Licensing Policy under the Gambling Act 2005 is now due for review. This report is to seek members' views as to whether any alterations are required to the policy prior to making a recommendation to Full Council.

Recommendations

2. That subject to minor necessary updating the committee approves a continuation of the current statement of principles under the Gambling Act 2005 in the form of the draft annexed to this report as the basis for consultation.

Financial Implications

3. None arising from this report.

Background Papers

4. The following papers were referred to by the author in the preparation of this report.
 - Guidance to Licensing Authorities (fourth edition) published by the Gambling Commission September 2012 available at www.gamblingcommission.gov.uk/publications_guidance_advic.aspx

Impact

- 5.

Communication/Consultation	Prior to adopting any revision of the Licensing Policy the authority is obliged to consult the Police, one or more persons who represent the interest of persons carrying on gambling businesses in the authority's area and one or more persons who appear to the authority to represent the interest of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005.
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Community Safety	None.
Equalities	None.
Health and Safety	None.
Human Rights/Legal Implications	None.
Sustainability	None.
Ward-specific impacts	None.
Workforce/Workplace	None.

Situation

6. The Gambling Act 2005 regulates the gambling industry by a licensing regime that establishes 3 types of licence namely an operating licence, a personal licence and a premises licence. In addition there are provisions for premises to be used on a temporary basis for gambling purposes and also permissions for certain gaming machines.
7. Operators' licences and personal licences are issued by the Gambling Commission which has overall responsibility for gambling in the UK. The functions of the district council are:
 - Granting premises licences
 - Considering temporary use notices
 - Granting permits for gaming and gaming machines in clubs
 - Regulating gaming and gaming machines in alcohol licensed premises
 - Granting permits for family entertainment centres for lower stake gaming machines.
 - Granting permits for prize gaming.
 - Considering occasional use notices for betting at tracks.
 - Registration of sport society lotteries
8. Gambling activity in Uttlesford is limited. There are eight premises licensed for betting purposes. There are two adult gaming centre premises licences and six unlicensed family entertainment centre premises. There are seven club gaming machines permits in existence, one licensed premises gaming machine permit and 58 notification of intent to have gaming machines (automatic entitlement to up to 2 category C or D gaming machines on alcohol licensed premises).

9. In exercising its functions, the council must have regard to the licensing objectives under the 2005 Act which are:
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.
 - Ensuring that gambling is conducted in a fair and open way.
 - Protecting children and other vulnerable persons from being harmed or exploited from gambling.
10. In addition, the Act requires the authority to exercise its functions under the Act so as to permit gambling.
11. The council is also required to have regard to guidance issued by the Gambling Commission. The current Licensing Policy is consistent with the most recent guidance issued by the Commission.
12. Apart from the Police it is suggested that letters be sent to all premises licence holders, all town and parish councils and that notice of the consultation be published on our website. A press release would also be issued inviting responses. In view of the fact that no changes are proposed to the current policy which was subject to wider consultation and that the policy is consistent with the Gambling Commission's guidance, wider consultation is not considered necessary on this occasion.
13. The Gambling Commission recommend that a 12 week consultation period should be allowed. The first meeting of this committee in the new council year will be 10 July which would comply with that recommendation. Thereafter the committee would recommend a policy for adoption to the next meeting of Full Council.

Risk Analysis

14. There are no risks attached to this report.