

## **COUNCIL MEETING 12 DECEMBER 2006**

### **RECOMMENDATIONS FROM COUNCILLOR MRS ALLGROVE, CHAIR, LICENSING COMMITTEE**

#### **1. Gambling Act 2005 – Draft Statement of Principles**

The Gambling Act 2005, has repealed the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.

The Act removes from licensing justices all responsibility for granting gaming and betting permissions. The gaming responsibilities previously undertaken by the licensing justices now pass to Taunton Deane Borough Council (the Licensing Authority).

The Act places a duty on the Licensing Authority to produce a Statement of Principles (also known as the “Gambling Policy”). Licensing Authorities are required to review the policy document at least every three years. In producing this document, the Licensing Authority is required to take account of the views of those representing the holders of existing licences and certificates, local residents, businesses and the police.

The Statement of Principles has to be adopted by the Council by 1 January 2007.

The Gambling Act gave Licensing Authorities a number of important functions, including:-

- licensing premises for gambling activities;
- considering notices given for the temporary use of premises for gambling;
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulating gaming and gaming machines in alcohol licensed premises;
- granting permits to family entertainment centres for the use of certain lower stake gaming machines;
- granting permits for prize gaming;

- considering occasional use notices for betting at tracks; and
  - registering small societies' lotteries.
- The Act has also created the Gambling Commission to act as a unified regulator for gambling in Britain

A draft Statement of Principles has been developed, based on advice received from the Local Authorities Co-ordinators of Regulatory Services (LACORS).

The Licensing Act 2003 has given Licensing Authorities wider discretion in compiling a licensing policy and is not as prescriptive as the Gambling Act. It is expected that most authorities will adhere to the LACORS template.

Fees and charges will be set centrally by the Government and there will be limited local discretion in relation to these.

There are approximately 100 premises needing premises licences and this figure includes public houses, betting shops, bingo halls, tracks and amusement arcades.

The draft Statement of Principles has been subject to extensive consultations and is now submitted for adoption by the Council.

The Licensing Committee discussed this issue prior to the consultation period and passed the following resolution.

- 1) The draft Statement of Principles under the Gambling Act 2005 be agreed;
- 2) Consultation on the draft Statement of Principles be undertaken as required by the Gambling Act 2005 and associated statutory guidance; and
- 3) A final Statement of Principles be submitted to Council for consideration and approval following consultation.

A table of representations received together with a copy of the policy is attached as an Appendix to this report.

It is therefore **RECOMMENDED** that the Statement of Principles (also known as the Gambling Policy) be adopted by the Council.

## **2.The Licensing of Sex Establishments within the Borough of Taunton Deane**

The Licensing Committee have also considered a report concerning two sex shop licences that had been granted for premises in Station Road, Taunton.

There were currently licences for two sex shops in the Station Road area and objectors to the two applications had expressed a number of concerns. The present number does not give cause for concern, but this might not be the case, should the number of these establishments increase.

The Local Government (Miscellaneous Provisions) Act 1982 Part 2, Schedule 3 governs sex establishments. The Act permits a Council to refuse a licence in circumstances where the number of sex establishments in the relevant locality at the time the application was made was equal to or exceeded the number which was considered appropriate for that locality.

The area designated as the “relevant locality” had to pass the “Wednesbury” principle of reasonableness. Case law suggests that the whole of an administrative area is too large to establish as a “relevant locality”. The Licensing Committee therefore had to decide if it was appropriate to establish the number of sex establishments for a “relevant locality” and what area that should be.

When determining the extent of a locality, the Licensing Committee has the following options:-

- Using a point in a map as the centre of a circle;
- Using specific points or landmarks in an area as boundary points; or
- Specifying a locality already determined by other means such as areas constituting Council Wards.

To minimise the risk of further applications being made in the Station Road area, a limit could be set on the appropriate number of sex establishments that would be permitted.

Future applications for sex establishments will be considered on their own merits and will take into consideration the location and suitability of the premises.

There is also additional guidance which can be used when determining any application for a sex establishments.

Market forces will determine how many applications are received, however the Licensing Committee feel that an area should be defined in order to offer guidance to any applicants.

- 1) It is therefore RECOMMENDED that the Council adopt a policy that sets the appropriate total number of sex establishments in the un-parished area of Taunton as two and the parished area of Taunton as zero.

**Councillor Mrs Jean Allgrove**  
Chair Licensing Committee

<b>Reference</b>	<b>Respondent</b>	<b>Comments</b>	<b>Appraisal</b>	<b>Response</b>
<p>Section 11.4.1 Preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime.</p> <p>Section 11.8 Door supervisors</p>	Bond Pearce on behalf of the Assoc. of British Bookmakers (ABB)	Want to ensure that door supervisors are only used where premises history requires it.	<p>Existing policy adequately deals with the provision of door supervisors and how such decisions regarding door supervision should be taken.</p> <p>Statement made on behalf of the ABB relies heavily on historical evidence whereas door supervisors may be required to prevent problems occurring.</p>	No change.
Section 16.1 Betting machines	Bond Pearce on behalf of the Assoc. of British Bookmakers (ABB)	Want to ensure that the number of FOBT's/AWP's are only restricted where evidence suggests that they should.	Existing policy adequately deals with this issue.	No change.
Section 11.2 Location	Bond Pearce on behalf of the Assoc. of British Bookmakers (ABB)	Want positive encouragement from policy where premises move in the same locality.	Existing policy allows for applications for premises licences to be considered on their individual merits. This adequately deals with this issue.	No change.
Section 8 Enforcement	Bond Pearce on behalf of the Assoc. of British Bookmakers (ABB)	Want a single point of contact for operators with a number of	Existing policy allows for applications and enforcement of	No change.

		premises within the district.	premises licences to be considered on their individual merits. This adequately deals with this issue.	
Section 16.2.1 Credit	Bond Pearce on behalf of the Assoc. of British Bookmakers (ABB)	Statement that 16.2.1 only applies to Casinos, not to betting shops	The Act only intends this to be applied to Casinos and Bingo premises	Delete S16.2 in its entirety
Section 17 Tracks	The Racecourse Association Limited	Request that delineation not be applied.	Policy requests delineation in cases where this is necessary to promote the licensing objectives.	No change.
Section 11 General principles  Section 17.1 Tracks	The Racecourse Association Limited	Off-course operators with on-course facilities have discretion with regards to separate licences.	There is no specific reference to this in the draft statement of principles.	No change.
Section 11.7.1 Conditions	The Racecourse Association Limited	No further licence conditions should be imposed with regard to door supervisors.	Conditions will only be applied to promote the licensing objectives as currently described.	No change.
Section 11.7.1 Conditions	The Racecourse Association Limited	Additional conditions imposed should not exceed those premises licence conditions.	Conditions will only be applied to promote the licensing objectives as currently described.	No change.
	The Racecourse Association Limited	Asked to note section 47 of the Act regarding access to track by children.	There is no requirement for this to be noted in the Statement.	No change.
Section 29.2 Gambling Commission	The Gambling Commission	Contact details for the Commission given in the	Noted.	Change addresses to: Gambling Commission

address Appendix A Page 27.		statement are not correct.		Victoria Square House Victoria Square Birmingham B2 4BP Tel: 0121 230 6500 Fax: 0121 233 1096 Email: info@gamblingcommission.gov.uk
	Gamcare	Various items not relevant to conditions applied to licences rather than to the Statement		No change.

Correspondence was received from The British Beer & Pub Association on 10 November 2006. This is outside the consultation period and has therefore not been included above.