

# Public Document Pack



## LICENSING COMMITTEE

Monday, 23 October 2006 at 6.00 pm  
Council Chamber, Civic Centre, Silver Street,  
Enfield, Middlesex, EN1 3XA

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Councillors : John Boast (Chairman), Chris Bond, Bambos Charalambous, Andreas Constantinides, Annette Dreblow (Vice-Chairman), Norman Ford, Vivien Giladi, Elaine Hayward, Henry Lamprecht, Kieran McGregor, Ayfer Orhan, Anne-Marie Pearce, Toby Simon, Terence Smith and one vacancy.

## AGENDA – PART 1

1. **WELCOME AND INTRODUCTIONS**
2. **APOLOGIES FOR ABSENCE**
3. **DECLARATION OF INTERESTS** (Pages 1 - 2)

Members are invited to identify any personal or prejudicial interests relevant to items on the agenda.

Please refer to the attached guidance note.

4. **MINUTES OF MEETING HELD ON 10 JULY 2006** (Pages 3 - 8)

To agree the minutes of the meeting held on Monday 10 July 2006

5. **GAMBLING ACT 2005: ENFIELD'S DRAFT STATEMENT OF PRINCIPLES** (Pages 9 - 12)

To receive a report from the Director of Environment, Street Scene and Parks on the Council's draft Gambling Act 2005 statement of principles.

**(Report No.138)**

The Licensing Committee is invited to consider the responses received to the public consultation on the draft statement of principles, completed on 13 October 2006 and to amend and/or agree the new draft (Draft 6 - 17

October 2006) statement of principles before it is submitted to Council for agreement on 8 November 2006.

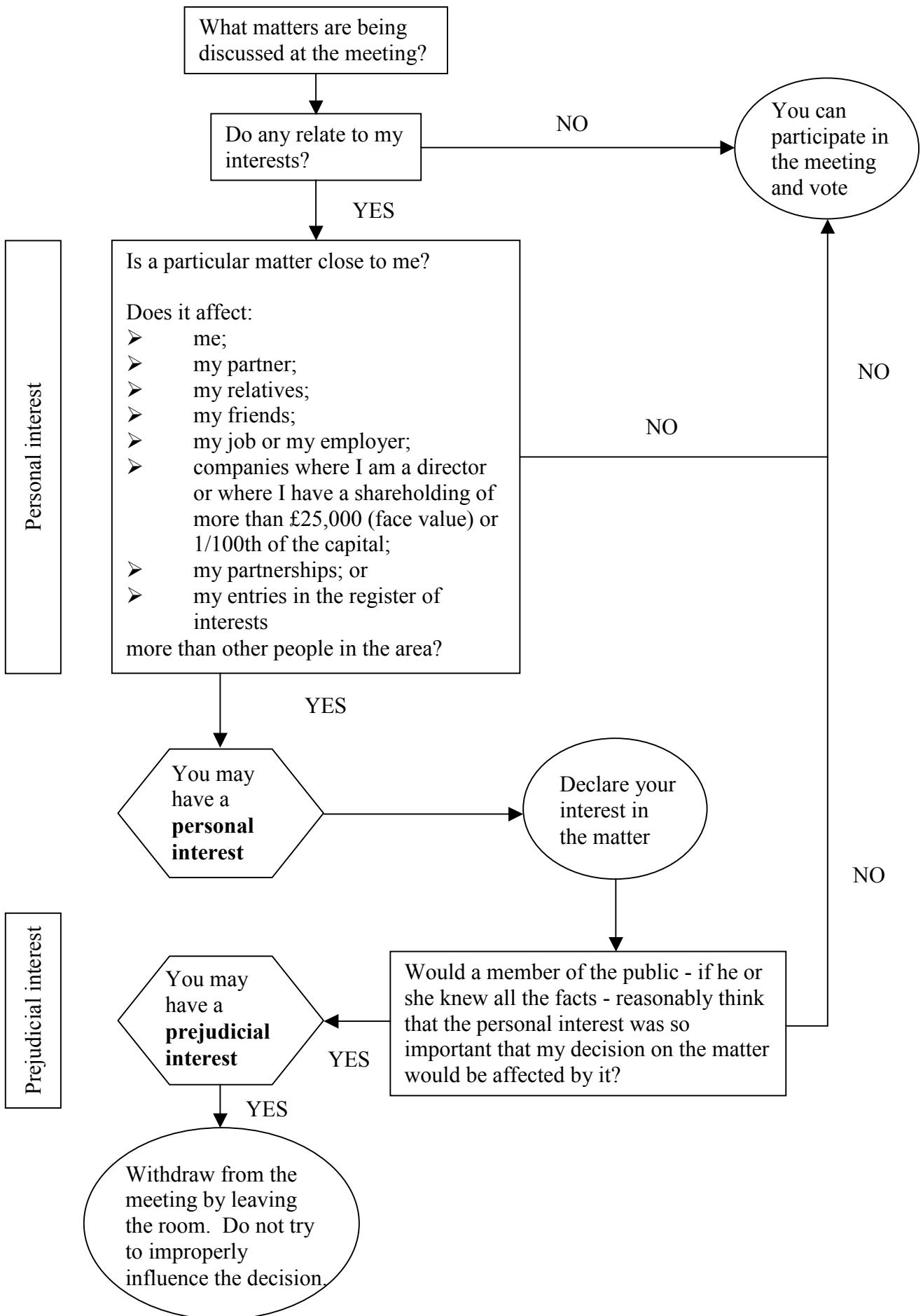
Members are asked to note that the details of the response to the public consultation process, along with a new draft statement of principles (Draft 6 – 17 October 2006) will be circulated as “**To Follow**” next week.

**6. EXCLUSION OF THE PRESS AND PUBLIC**

TO CONSIDER PASSING A RESOLUTION UNDER SECTION 100A(4) OF THE LOCAL GOVERNMENT ACT 1972, EXCLUDING THE PRESS AND PUBLIC FROM THE MEETING FOR ANY ITEMS OF BUSINESS LISTED ON PART 2 OF THE AGENDA ON THE GROUNDS THAT THEY INVOLVE THE LIKELY DISCLOSURE OF EXEMPT INFORMATION AS DEFINED IN THOSE PARAGRAPHS OF PART 1 OF SCHEDULE 12A TO THE ACT, (AS AMENDED BY THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006).

Members are asked to note that no items have currently been identified for consideration in Part 2 of the Agenda.

**DECLARING INTERESTS FLOWCHART - QUESTIONS TO ASK YOURSELF**



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## LICENSING COMMITTEE - 10.7.2006

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE  
HELD ON MONDAY, 10 JULY 2006**

**COUNCILLORS**

<b>PRESENT</b>	John Boast (Chairman), Annette Dreblow (Vice-Chairman), Chris Bond, Bambos Charalambous, Andreas Constantinides, Norman Ford, Elaine Hayward, Henry Lamprecht, Toby Simon and Terence Smith
<b>ABSENT</b>	Vivien Giladi, Kieran McGregor, Ayfer Orhan and Anne-Marie Pearce
<b>CO-OPTED</b>	(none)
<b>OFFICERS:</b>	Sue McDaid (Environmental Health & Regulation) and Mark Galvayne (Licensing) James Kinsella (Secretary)

**Also Attending:****172****WELCOME & INTRODUCTIONS**

Councillor Boast (as Chairman) welcomed everyone to the first meeting of the Committee in the 2006/07 Municipal Year.

**173****APOLOGIES FOR ABSENCE (IF ANY)**

Apologies for absence were received from Councillors Vivien Giladi, Kieran McGregor & Ann Marie Pearce.

**174****DECLARATIONS OF INTEREST**

NOTED that no members of the Committee present at the meeting had any personal or prejudicial interests to declare in respect of items on the agenda.

**175****MINUTES**

**AGREED** that subject to the following amendment, the minutes of the meeting held on Thursday 16 March 2006 be received and confirmed as a correct record.

Min 1395 (page 1300): Monitoring Report on the Premises Licenses issued under the Licensing Act 2003 NOTED 3 be amended to read "over 99% of the

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premises applied for premises licenses by 24 November 2005 of which 28% applied to vary their license (including new applications for premises).”

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**GAMBLING ACT 2005: ENFIELD'S DRAFT STATEMENT OF PRINCIPLES**

Licensing Committee agreed to receive, pursuant to Section 100B(4) of the Local Government Act 1972, a report from the Director of Environment & Street Scene (No.74) seeking comments on the Council's draft Gambling Act 2005 Statement of Principles, prior to its release on formal public consultation.

The report was being dealt with as an urgent item in order to enable the draft Statement of Principles to be considered and approved prior to the deadline for its release on public consultation (17 July 2006). This would allow a 3-month consultation period in advance of the statutory deadline for approval of the final Statement, required by Council (on or before 3 January 2007).

**NOTED**

1. that under the terms of the Gambling Act 2005 (due, at this stage, to be fully implemented in September 2007) the Council, as licensing authority would become responsible for the issue of premises licenses for casinos, bingo halls, betting shops, race tracks and fairs. In addition the Council would issue permits for amusement arcades, slot machines in pubs & clubs, prize gaming and small lotteries;
2. gambling operators and gambling personnel would be licensed by the Gambling Commission, with no input from the Council, as Licensing Authority;
3. the Gambling Act required that the Council, in making decisions about premises licenses, should aim to permit the use of premises for gambling in so far as it thought the decision would:
  - a. be in accordance with any relevant Code of Practice or guidance issued by the Gambling Commission;
  - b. be reasonably consistent with the Licensing Objectives;
  - c. be in accordance with the Council's Statement of Principles;
4. the Council, as Licensing Authority, was therefore required to prepare a Statement of Principles that they could apply in exercising their functions under the Gambling Act 2005, which in effect would become the Council's Gambling Policy;
5. the draft Statement of Principles for Enfield prepared by the Head of Licensing which, subject to any comments made by the Committee, would be released on a 3-month public consultation prior to submission to Council for formal approval. The draft contained a number of gaps on which guidance/regulations were still awaited from the Gambling Commission/Secretary of State;
6. the Council's 3 main Licensing Objectives in the Gambling Act 2005 are:
  - a. preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
  - b. ensuring that gambling was conducted in a fair and open way;

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- c. protecting children and other vulnerable persons from being harmed or exploited by gambling.
7. that the Cabinet Member for Environment & Street Scene had identified 3 additional preventative measures that he felt should be included for consideration as specific conditions relating to the issue of Premises Licenses, under the objective of protecting children from harm. These were as follows:
  - a. that there will be tough preventative measures to prevent access by Under 18 year olds to adult only areas of premises;
  - b. that there will be no access by under 16 year olds to any premises during the school day; and
  - c. that there will be no unaccompanied access by under 14 year olds to any premises during any day of the week.

The Committee was then asked to consider the draft Statement of Principles along with the issues raised by the Cabinet member for Environment & Street Scene:

- (a) the following comments were raised by members of the Committee in terms of the additional measures identified by the Cabinet member for Environment & Street Scene for inclusion within the Statement of Principles:
  - (i) the need for a clearer definition to be provided on “tough preventative measures” as , if approved, the Sub Committee would be expected to apply this measure when considering any applications. As an alternative the phrase “strict and robust preventative measures” was suggested for consideration;
  - (ii) the potential difficulties in applying the measure designed to prevent access to any premises by under 16 year olds during the school day. In order to simplify the position the Committee felt that the measure should:
    - be focussed on the prevention of access by truanting children; and
    - apply to children under the age of 18 (rather than 16) years old; (This specific issue was agreed by the Committee after a vote, with 3 members voting to keep the age at 16 and 6 members voting to amend the age to 18);
- (b) the following comments were raised by members of the Committee in relation to the draft Statement of Principles presented at the meeting:
  - (i) a suggestion was made that a map showing the locations of schools and crime “hotspots” within the Borough be included as part of the Statement to assist the Sub Committee in considering applications. In response the Committee was advised that this type of map had not been included as the “hotspots” may change over time. Officers would, however, continue to liaise closely with the local police in order to identify these type of issues when responding to applications submitted for consideration under the Act;

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- (ii) members concerns (particularly in terms of the link to the planning process) at the requirement, detailed in section 13.5 of the draft Statement, that a premises license could not be granted without the premises in which it was proposed to offer the gambling having been constructed. The Chairman (supported by Sue McDaid) advised that this requirement formed part of the Act and was, therefore, not something that the Council (as Licensing Authority) could alter;
- (iii) whilst supportive of the reference, in section 18 of the draft Statement, to a “no casino” resolution being sought from Council, members were concerned that this had already been agreed as a principle without opportunity for wider debate amongst themselves. In response Mark Galvayne advised:
- that the Council, as Licensing Authority, had already had to make a decision not to apply to the Department for Culture, Media & Sport as a potential area for one of 17 “super casinos” shortly to be approved;
  - whilst the chance of the Council being asked to consider itself as a potential location for these type of casinos in future was minimal, a formal “no casino” resolution would mean that no applications for casino premises licenses would need to be considered;
- In view of the concerns raised it was suggested that section 18 of the draft Statement should be amended, for consultation purposes, to specifically seek views on the Council’s intention to pass a “no casino” resolution. The results could then be used to inform any final report to Council and potential strengthen the reasons for a no resolution being sought.
- (iv) minor amendments were identified to the following sections of the draft Statement:
- section 9.1(a) – reference to “to be” should read “and are”;
  - section 9.7 – reference to “Parish Councils” to be removed as it was not relevant to Enfield as a London Borough. In response the Chairman advised that this had been included as the Statement was based on a national draft;
- (v) following on from (iv) above the Chairman reminded the Committee of the need to recognise that the draft Statement was not complete as national guidance was still awaited in a number of areas. These areas had been shaded in grey on the draft version of the Statement circulated with the agenda.

In view of the various issues raised above, members felt that a more detailed briefing would be required for the Committee on the proposals within the Act and key elements of the Statement of Principles, prior to any referral being made onto Council. It was not felt however that this should prevent the draft Statement being issued on consultation.

**AGREED** that



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- (1) in terms of the additional measures identified for inclusion within the draft Statement by the Cabinet member for Environment & Street Scene:

  - (a) further legal advice be sought on the most appropriate form of wording for the additional measures to be included within the Statement, taking into account the issues raised by the Committee in (a) (i) – (ii) above; and
  - (b) the Chairman of the Committee be granted delegated authority to approve the final form of wording for the additional measures to be included within the draft Statement.
  
- (2) subject to the amendments in (1) above and following changes identified by the Committee, the draft Statement of Principles be approved for distribution on formal public consultation:

  - (a) views being sought under section 18 regarding the intention to seek a “no casino” resolution; and
  - (b) the minor typographical amendments set out in (b) (iv) above;
  
- (3) once the formal 3 month public consultation process on the draft Statement of Principles had been completed a further report be provided for the Licensing Committee providing members with an opportunity to consider:

  - (a) the requirements of the Act and key elements of Enfield’s Statement of Principles in more detail; alongside
  - (b) the results of the public consultation exercise.
  
- (4) having undertaken the process outlined in (3) above the Committee would then finalise its comments on the Statement of Principles for referral onto Council.

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**EXCLUSION OF THE PRESS AND PUBLIC**

NOTED that no issues were identified for consideration under this item.

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**MUNICIPAL YEAR 2006/2007 REPORT NO. 138**

**MEETING TITLE AND DATE:**

Licensing Committee  
- 23 October 2006

**REPORT OF:**

Director of Environment, Street  
Scene and Parks

**CONTACT OFFICER:**

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<b>Agenda – Part: 1</b>	<b>Item: 5</b>
<b>Subject:</b> <b>Gambling Act 2005 - Enfield's Policy</b>	
<b>Wards: All</b>	
<b>Cabinet Member consulted:</b> Councillor Neville	

**1. EXECUTIVE SUMMARY**

- 1.1 Subsequent to the meeting of the Licensing Committee on 10 July 2006, public consultation in respect of the draft (Draft 5 - 18 August 2006) Statement of Principles shall cease on 13 October 2006.
- 1.2 The Licensing Committee is invited to consider the responses received to that consultation and to amend and/or agree the new draft (Draft 6 - 17 October 2006) Statement of Principles prior to it being submitted to Council for agreement on 8 November 2006.
- 1.3 Members are asked to note that the details of the response to the public consultation process, along with a new draft Statement of Principles (Draft 6 – 17 October 2006) will be circulated as “To Follow” next week.

**2. RECOMMENDATION**

- 2.1 To amend and/or agree the new draft (Draft 6 - 17 October 2006) Statement of Principles prior to it being submitted to Council for agreement on 8 November 2006.

**3. BACKGROUND**

- 3.1 In accordance with Section 349 to the Gambling Act 2005 the Council, as Licensing Authority, must prepare a Statement of the Principles that they propose to apply in exercising their functions under the Act, and publish that statement.
- 3.2 The Licensing Committee met on 10 July 2006 to consider the draft Statement of Principles, in advance of it being released for public consultation. As a result the Committee agreed that a further report should be provided detailing the results of the public consultation and any subsequent amendments to the Statement of Principles, once the consultation process had ended, in order to agree the new draft.
- 3.3 The public consultation process commenced is due to end on Friday 13 October 2006. Subject to any comments the Committee may have, the Statement of Principles is then due to be submitted to Council for formal agreement on 8 November 2006.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1 Not applicable

**5. REASONS FOR RECOMMENDATIONS**

- 5.1 To enable the Members of the Licensing Committee an opportunity to amend and/or agree the new draft (Draft 6 - 17 October 2006) Statement of Principles prior to it being submitted to Council for agreement on 8 November 2006.

**6. COMMENTS OF THE DIRECTOR OF FINANCE AND CORPORATE RESOURCES AND OTHER DEPARTMENTS**

**6.1 Financial Implications**

Not applicable

**6.2 Legal Implications**

Not applicable

**6.3 Property Implications**

Not applicable

**7. PERFORMANCE MANAGEMENT IMPLICATIONS**

Not applicable

**8. PUTTING ENFIELD FIRST**

Not applicable

**Background Papers**

Licensing Committee - Municipal Year 2006/2007 Report No. 74 - 10 July 2006  
The Gambling Act 2005  
Regulations issued by the Secretary of State  
Guidance to Licensing Authorities issued by the Gambling Commission

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