

LICENSING COMMITTEE - 23 OCTOBER 2006

FOLLOW ON PAPERS - GAMBLING ACT 2005 - ENFIELD'S POLICY

**RESPONSES TO THE PUBLIC CONSULTATION ON THE
DRAFT (DRAFT 5 - 18 AUGUST 2006) STATEMENT OF PRINCIPLES
UNDER THE GAMBLING ACT 2005**

(a) The Licensing Authority received fifteen responses to the public consultation. The details of the respondents are set out below and their responses are attached :

No.	Respondent	Returned a questionnaire?	See pages
i	Cllr. Tony Dey	Yes	1 - 2
ii	Cllr. Annette Dreblow	Yes	3 - 4
iii	Cllr. Peter Fallart	Yes	5 - 6
iv	Cllr. Eric Jukes	Yes	7 - 8
v	Cllr. Michael Rye	Yes	9 - 10
vi	Cllr. Kate Wilkinson	Yes	11 - 12
vii	Association of British Bookmakers	No	13 - 16
viii	Barnet, Enfield & Haringey Mental Health Trust	Yes	17 - 18
ix	British Amusement Catering Trades Association	No	19 - 24
x	British Beer & Pub Association	No	25 - 27
xi	Enfield Local Safeguarding Children Board	Yes	28 - 29
xii	Enfield Safer & Stronger Communities Board	Yes	30 - 31
xiii	Enfield Council's Environmental Health Service	Yes	32 - 33
xiv	HJM Caterers Ltd (operator of amusement arcades)	No	34 - 35
xv	National Association for Gambling Care	No	36 - 37
xvi	Metropolitan Police Service	No	38

(b) Of the fifteen responses received, ten questionnaires were completed with the following results :

	Yes	No	Don't Know /No Opinion
Is the Statement clearly written and easy to understand?	90%	10%	0
Should the Council pass a 'no casinos' resolution?	70%	20%	10%
Are there any further measures that the Council should consider in protecting children and vulnerable persons from being harmed or exploited by gambling?	20%	40%	40%
Is there anything that you feel the Statement of Principles has not adequately addressed?	30%	60%	10%

(c) The amendments to the draft Statement of Principles suggested by the respondents, and the recommended actions arising from those suggestions, are tabulated below :

No	Proposed Amendment	Recommended Action
Cllr. Tony Dey - page 2		
1	It needs to be written in a way that can be understood by a layman.	No action - 90% of respondents found the Statement of Principles ('the SoP') to be clearly written.
Cllr. Kate Wilkinson - page 12		
2	Restrict advertising in children's venues	No action - the SoP cannot duplicate other legislation. The Secretary of State is expected to make regulations controlling the advertising of gambling.
Association of British Bookmakers - pages 14 & 15		
3	Only require door supervisors at betting premises if door supervision is both necessary and proportionate.	No action - Section 14.8.2 of the SoP states "The Council will expect applicants to undertake a risk assessment in respect of whether door supervisors will be required and, if so, the numbers to be employed."
4	"The Council will consider limiting the number of betting machines where there is evidence that such machines have been or are likely to be used in breach of the licensing objectives."	Agreed - added to Section 19.2 of the SoP.
5	Endorse and support the re-siting and/or extension of existing betting premises.	No action - each application must be considered on its own merits.
6	Request single point of contact for compliance issues.	No action - it is not a requirement of the SoP to specify existing best practice working arrangements.
7	Remove 'saturation' from Section 8.3 of the SoP	No action - s.153 to the Gambling Act 2005 provides that 'in determining whether to grant a premises licence a licensing authority may not have regard to the expected demand for the facilities which it is proposed to provide.'
8	Exempt betting premises from Section 12.7 of the SoP	No action - each application must be considered on its own merits.
9	Amend Section 19 of the SoP to reflect fact that under-18s are not permitted to enter betting premises	Agreed - Sections 19.2 & 19.3 of the SoP duly amended.
British Beer & Pub Association - page 26		
10	Amend Section 24.3 & 24.4 of the SoP to allow up to 4 machines without recourse to a hearing	No action - each application must be considered on its own merits.

Enfield Local Safeguarding Children Board - page 29		
11	Amend Sections 14.4, 16.3, 18.2, 20.4 & 23.3 of the SoP to state just 'truanting children' rather than 'truanting children under 18 years of age'	Agreed - Sections 14.4, 16.3, 18.2, 20.4 & 23.3 of the SoP duly amended.
12	Amend Section 2.2 of the SoP to include adults with learning difficulties as vulnerable persons	Agreed - Section 2.2 of the SoP duly amended.
Enfield Council's Environmental Health Service - page 33		
13	Are planning considerations relevant?	No action - Section 12.8 of the SoP states that 'the Council shall not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building.'
14	Who will be responsible for assessing vulnerable persons needs?	No action - Parliament has not yet agreed to specify a Responsible Authority for vulnerable persons.
HJM Caterers Ltd (operator of amusement arcades) - page 35		
15	The Council has produced a pool of conditions that it intends to impose, contrary to guidance.	No action - Sections 16.3 & 16.4 of the SoP provides expectations and suggestions from the Council. These are not 'standard' conditions and each application must be considered on its own merits.
National Association for Gambling Care - page 37		
16	Include drugs, prostitution and unlawful gambling within the crime and disorder objective.	No action - this is dealt with under Section 13.1.1 of the SoP.
17	Leaflets giving assistance to problem gambling being displayed in both prominent and discreet areas.	Agreed - Sections 15.3, 16.4, 20.5 & 24.4 of the SoP duly amended.
18	Include the provision of self-exclusion forms for customers.	Agreed - Sections 15.3, 16.4, 20.5 & 24.4 of the SoP duly amended.
19	"ATMs and cash terminals located separately from gaming machines and displaying GamCare Helpline information"	Agreed - added to Sections 15.3, 16.4, 20.5 & 24.4 of the SoP duly amended.
Metropolitan Police Service		
20	How will the prevention of access by truanting children be enforced?	No action - this is a matter for operators to self-regulate. Where there is a clear breach of licence condition the Council will take appropriate action in accordance with the enforcement policy.

