

**MINUTES OF THE MEETING OF THE LICENSING COMMITTEE
HELD ON MONDAY, 23 OCTOBER 2006**

COUNCILLORS

PRESENT John Boast, Bambos Charalambous, Andreas Constantinides, Annette Dreblow, Vivien Giladi, Elaine Hayward, Anne-Marie Pearce, Toby Simon and Terence Smith

ABSENT Chris Bond, Norman Ford, Henry Lamprecht, Kieran McGregor and Ayfer Orhan

CO-OPTED (none)

OFFICERS: Alan Bates (Metropolitan Police - Licensing Team), Mark Galvayne (Licensing) and Sue McDaid (Acting Head of Trading Standards and Licensing) Penelope Williams (Committee Secretary)

**432
WELCOME AND INTRODUCTIONS**

The Chairman welcomed everyone to the meeting.

**433
APOLOGIES FOR ABSENCE**

Councillors Bond, Ford and Orhan sent their apologies for absence.

**434
DECLARATION OF INTERESTS**

There were no declarations of interest.

**435
MINUTES OF MEETING HELD ON 10 JULY 2006**

The committee agreed that minutes of the meeting held on 10 July were a correct record of the meeting.

**436
GAMBLING ACT 2005: ENFIELD'S DRAFT STATEMENT OF PRINCIPLES**

The Committee received a report from the Director of Environment, Street Scene and Parks on the Council's draft Gambling Act 2005 Statement of

LICENSING COMMITTEE - 23.10.2006

Principles. The report also included the responses received to the public consultation.

The Committee were invited to comment on the statement before it was considered for approval at Council.

1. Changes to the draft Gambling Act 2005: Statement of Principles – presented by Sue McDaid (Acting Head of Trading Standards and Licensing).

1.1 Sue McDaid presented the following information on the public consultation:-

- a. The consultation ended on 13 October 2006; 15 responses were received.
- b. 90% thought that the statement was clear and understandable.
- c. 70% supported the proposal that the Council should pass a “no casinos” resolution. A “no casino” resolution would mean that Enfield would not receive or process any applications for casinos and that none would be given permission to operate in the borough.

1.2 Licensing had made the following key changes to the draft statement of principles in response to the consultation:-

- a. In response to comments made by the Association of British Bookmakers the following sentence was added “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” to Section 19.2.
- b. Section 19 was altered to reflect the fact that children (under 18) are not permitted to enter betting premises.
- c. In response to a suggestion from the Local Safeguarding Children’s Board, in sections 14.4, 16.3, 18.2, 20.4 and 23.3 the words “truanting children under 18 years of age” were changed to just “truanting children”.
- d. Section 2.2 had been amended to include adults with learning difficulties as “vulnerable persons”.
- e. The National Association for Gambling Care’s recommendations that
 - Leaflets offering information helpful to gamblers with gambling problems and customer self exclusion forms (forms that enable

LICENSING COMMITTEE - 23.10.2006

customers to ask operators to refuse them entry to gambling establishments) should be on display, both prominently and discreetly.

- ATMs and cash machines should be located separately from gaming machines and should display Gamcare information.

2. Comments on Draft Statement of Principles

- 2.1. The references relating to “truanting children” might be difficult to enforce, but members felt that they should be included, as they set out the Council’s view on the matter.
- 2.2. The Council could not insert a clause prohibiting children from gambling into the Statement of Principles, as this was not prohibited in the Gambling Act. For example there is a minimum age for the use of category D gaming machines so children can access and use them.
- 2.3. The Statement of Principles would be reviewed every 3 years so that if there were problems with any of the sections they could be altered.
- 2.4. The Committee noted the comments of Oliver Treacy of the Barnet, Enfield and Haringey Mental Health Trust regarding minors and increasing the availability of rehabilitation.
- 2.5. The paragraph requested by the Association of Bookmakers on enforcement (eg: requesting operators to provide a single point of contact for enforcement officers to contact in case of compliance issues) could not be included in the policy but would be what was done in practice.
- 2.6. Councillor Charalambous thought that alcohol licensed premises might apply for additional gaming machine permits during the transitional period, giving them grandfather rights. Mark Galvayne explained this could not be prevented but that there was an informal agreement that the Police would make representations against any application for more than 4 machines based on the practice that formerly operated at the magistrates court. This meant that these applications would then have to be agreed by the Licensing Panel. The Police would also look closely at applications for 3-4 machines. Any application for 2 machines was accepted automatically. The transitional period starts on 30 April 2007.
- 2.7. Roger Etchell’s letter, sent on behalf of HJM Caterers Ltd, expressed concerns about the application of standard conditions. Mark Galvayne advised that licensing officers had sought Counsel’s opinion on the expectations of operators as suggested in Section 15.3 and that

LICENSING COMMITTEE - 23.10.2006

Counsel had advised that the Council could express their expectations in this way.

- 2.8. Councillor Charalambous raised concerns about the number of clubs in his ward, which were not constituted as members' clubs as described in Section 26. Mark Galvayne advised that some of these would be licensed under premises licences rather than under club certificates under the Licensing Act 2003, so therefore did not have to meet the definitions of "club" laid down in the Act about constitution of clubs but would have to if they were licensed under club certificates.
- 2.9. Councillor Giladi felt that it was unclear what the word "equally" at the end of Section 26.2 referred to.

AGREED

1. That the revised Gambling Act 2005: Statement of Principles be noted and recommended to Council for approval with the amendments listed below.
2. That the following amendments be incorporated into the Statement of Principles:-
 - Wherever children under 18 years old were mentioned they should be referred to as "children (under 18)".
 - In Section 24.5 the words "however conditions (other than these) cannot be attached to permits" should be removed, and the comma after the word "for" be replaced with a full stop.
 - The phrase "and controlled by its members equally" in Section 26.2 should be made clearer.
3. During the transitional period, the police should be asked to look in particular detail at all applications for more than 2 gaming machines.