

LICENSING ACT 2003 COMMITTEE	AGENDA ITEM No. 5
17 November 2009	PUBLIC REPORT

Contact Officer(s):	Peter Gell – Business Regulation Strategic Manager Adrian Day – Licensing Manager Terri Martin – Regulatory Officer Licensing	Tel. 453419 Tel. 454437 Tel. 453561
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Gambling Act 2005 – Peterborough City Council’s Revised Statement of Principles

R E C O M M E N D A T I O N S	
FROM : Business Regulation Strategic Manager	Deadline date :
Members are asked to: <ol style="list-style-type: none"> 1. Note the contents of the report, 2. Note the comments received following public consultation, 3. Approve the final Statement of Principles and recommend that it be adopted by Full Council on 2 December 2009. 	

1. BACKGROUND

- 1.1 Under Section 349 of the Gambling Act 2005, it is a requirement for each Council to produce, adopt and publish a Statement of Principles. This Statement will govern the way decisions are made by the Council and how it will administer its duties under the Act. Without a Statement of Principles the Council may be subject to Judicial Review for failing in its responsibilities to carry out a statutory duty.
- 1.2 The Act requires that the Statement of Principles is kept under continual review to incorporate where necessary any changes to the legislation and or Guidance as appropriate. In addition to this, the Act specifies that the Statement must be reviewed and revised on a three yearly basis.
- 1.3 The first three year period began on 31 January 2007 and therefore, the first three year period is due to expire on 30 January 2010. The revised Statement must be drafted and consulted upon prior to it being adopted.
- 1.4 In order to meet our statutory obligations, a revised Statement has been drafted. Also in accordance with the Act, this revised Statement has been consulted upon, and all comments received have been considered and incorporated as appropriate.
- 1.5 In formulating the revised Statement, officers have given full consideration to the requirements of the Act, guidance issued by the Gambling Commission, and LACoRS (Local Authorities Coordinators of Regulatory Services) Model document. We have also liaised with colleagues from neighbouring authorities to ensure our Statements are consistent.

2. PURPOSE

- 2.1 The purpose of this report is to make members aware of the comments received following the consultation process.
- 2.2 To approve the final Statement of Principles which includes the comments received following consultation in addition to the amendments following the revised Guidance to Licensing Authorities issued by the Gambling Commission under section 25 of the Act.

2.3 To recommend that the revised Statement of Principles be adopted by Full Council on 02 December 2009.

3. CONSULTATION

3.1 The following outlines the procedure taken, in providing the opportunity for members, statutory consultees and members of the public to be involved in the process of reviewing our Statement of Principles

3.2 Before determining its Statement for any three year period (as required under s.349 of the Act), the licensing authority must consult the persons listed in s349 (3) as follows:

- a. Chief Officer of Police for the area;
- b. One or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the area;
- c. One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.

3.3 For information purposes a list of consultees is attached at **Appendix A**.

3.4 A 12 (twelve) week consultation took place between 03 August 2009 and 26 October 2009. The consultation letter gave advice on the following:

- i) Options on where to access and obtain copies of the draft revised Statement
- ii) Opportunity to make relevant representations, in writing, on the draft Statement
- iii) Notification that any comments must be received by 26 October 2009

3.5 Eight replies were received and of these, one requested to be removed from the consultation process, one was an acknowledgement with no comment, and six were with comments for potential inclusions/improvements to the Statement. The correspondence relating to these are attached at **Appendix C**.

4. CONSIDERATIONS

4.1 In determining its Statement, the licensing authority must have regard to the Gambling Commission's guidance and give appropriate weight to the views of those whom it has consulted. In determining what weight to give particular representations, the factors taken into account include:

- Who is making the representation (what is their expertise or interest);
- What the motivation may be for their views;
- How many other people have expressed the same or similar views;
- How far the representations relate to matters that the licensing authority should be including in its Statement.

4.2 Letters received and Officers' comments in relation to these letters are attached at **Appendix B**.

4.3 Very careful consideration has been given to all of the responses submitted by consultees and their comments where considered to be relevant included in the Statement.

4.4 A copy of the finalised Statement of Principles showing track changes of inclusions after the consultation process is attached at **Appendix D**.

5. LEGAL IMPLICATIONS

- 5.1 Legal Services have been consulted on the content of the Statement of Principles. This was to ensure that the provisions of the Act including the licensing objectives and other issues that are key to the way the council approaches and deals with applications, are included in the Statement.
- 5.1 Legal Services will also be required to ensure that the decision making process is implemented in accordance with the Act, and may also be required to provide legal representation in the event of any appeals to the Magistrate's Court against decisions made by the council, prosecutions being instigated or enforcement action being taken by the council.

6. BACKGROUND DOCUMENTS

Gambling Act 2005
Guidance to Licensing Authorities (issued under section 25 of the Act, by the Gambling Commission May 2009)

LIST OF CONSULTEE'S

The Gambling Act requires that a number of consultees are consulted by Licensing Authorities.

The following appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area. The authority has therefore consulted:

- The Peterborough Greyhound Stadium
- British Greyhound Racing Board
- Gala Group Ltd
- British Beer and Pub Association
- British Bookmakers Trade Association
- British Casino Association

The following appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005:

- Cambridgeshire Constabulary – The Chief Officer of Police
- Cambridgeshire Fire & Rescue Service
- Peterborough City Council – Planning Control
- Peterborough City Council – Community Protection
- Peterborough City Council – Directors
- Peterborough City Council – Ward & Parish Councillors
- Local Safeguarding Children Board
- Environment Agency
- Maritime and Coastguard Agency
- HM Revenue & Customs
- the Gambling Commission
- All residents and business within the Peterborough area (through the Council website), libraries, and main Council Offices

RESPONSES TO CONSULTATION

Peterborough Safeguarding Children Board.

- Comment:** The local safeguarding Board interagency procedures define a child as “under 18” therefore child protection procedures do apply to a 17 year old child. We do not differentiate between a child and a young person.
- Reply:** Under section 45 of the Act the definition of ‘child’ and ‘young person’ are stipulated. The distinction is made between the two age groups because a ‘young person’ is permitted to provide facilities for gambling in certain premises, where a ‘child’ is not. For example a ‘young person’ may provide facilities for gambling at a travelling fair.
- Comment:** I note there is no definition of vulnerable adult. You may wish to contact the vulnerable adults team for their advice
- Reply:** The definition of a vulnerable adult is deliberately left open to give it the widest possible meaning, to ensure that it can cover as many vulnerable persons as possible, e.g. a person who is not normally considered vulnerable, may become vulnerable under certain circumstances, after consuming alcohol or chasing gambling losses. It can also cover persons with permanent mental impairments.
- Comment:** We welcome at 12.13 the suggestion of door supervisors being employed. We offer basic child protection training too through our training programme which you can access at www.pscb.org.uk.
You could add in at 22.2 something to the effect that Peterborough Safeguarding Children Board have web based interagency procedures which are available at www.pscb.org.uk or alternatively www.proceduresonline.com/peterboroughschb.
- Reply:** As there may be more than one training provider, the city council is unable to endorse any particular service in its policy documents.
- Comment:** I note that Appendix 2 says Children’s Board (It is Children Board with no s)
- Reply:** Updated accordingly
- Comment:** Also Appendix 3 the contact point is the Safeguarding Service Manager (not Child Protection and Review Manager)
- Reply:** Updated accordingly.

Director of Adult Social Services.

- Comment:** Would the PASB need to be included/recorded in a similar way to the Children Safeguarding Board? (section 6.2)
- Reply:** Section 157 of the Act defines who responsible Authorities are, this can be amended by regulations. However the Act has defined (s157 (h)) the Children safeguarding Board, but has not made any inclusions regarding vulnerable adults.
- Comment:** Perhaps it needs to be a bit more explicit about who...children and other vulnerable adults...’ are in section 1.1, e.g. adults suffering from lack of capacity (e.g. dementia) and/or those covered by the MCA even though page 14 says the act does not define it more?
- Reply:** The definition of a vulnerable adult is deliberately left open to give it the widest possible meaning, to ensure that it can cover as many vulnerable persons as possible. E.g. a person who is not normally considered vulnerable, may become vulnerable under certain circumstances, after consuming alcohol or chasing gambling losses. But it can also cover persons with permanent mental impairments.

Councillor Pamela Winslade

- Comment:** I have a query with regards to part C22.2: this section does not appear to include vulnerable people.
- Reply:** We have amended this section (23.2) to include vulnerable persons.

Councillor Stephen Lane

Comment: If I may first make a suggestion that in future consultations, it would be extremely helpful if the draft edition is produced to indicate any changes from the last one. I am sure that because the previous SoP was read by Members, it would be helpful to highlight subsequent amendments or additions.

Reply: Noted and agreed, the attached revised draft shows 'track changes' to indicate where the relevant changes have been made to include comments received during consultation.

Comment: The SoP should state that PCC will use its authority according to s153 of the Act (GC Guidance May 2009 – 6.3). A late reference is made to this, but only under the subject heading of 'Reviews', and it be preferable to make a statement at the front or near the beginning of the SoP. This allows readers an easy reference to the relevant legislation and offers more transparency.

Reply: Noted and agreed, we have included a reference to this section of the Act in (11.1) Decision Making / Delegation in Part A Introduction.

Comment: Under Section 156 of the Act licensing authorities are required to maintain a register of premises licenses issued by the authority and made available to the public who may request copies of the entries (GC Guidance May 2009 – 6.52). This was in the first SoP but omitted from the one we see here, and should be reinstated. The information should also state where it can be found and viewed, along with details of the cost of obtaining copies.

Reply: We have reinstated the Public Register information at Section 10 and also stated that the fees can be found at the city councils website and included the web address information.

Comment: Authorities should ensure that information regarding the fees to be charged should be made available to the public (6.53). In the interest of transparency, this information and where to find it should be made known through the SoP.

Reply: We have added section 29 'Additional Information' stating the web address where fees and application forms can be found. We are unable to include the actual fees for each application in the SoP as the fees change annually.

Comment: In "Definition of Premises" (12.3) the second sentence is confusing and difficult to comprehend, and appears to contradict the rest of that paragraph. It would be helpful and more explicit if the paragraph started something like:

In the Act "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any single place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can easily be regarded as being different premises or places.

Reply: We have amended the first part of the paragraph to now state:
In the Act, "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any one place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can reasonably be regarded as being different premises.

Comment: Licensing Objectives (12.7) repeats all three objectives and are sufficiently important to be highlighted by the continued use of bullet points, e.g. 12.2.1 etc.

Reply: Noted and agreed bullet points 13.7.1 through to 13.7.3 have been added.

Comment: Reviews (21.0) I am not sure the addition of how to conduct a Review is necessary. The document's intention is surely to declare this authority's 'principles', and not to outline any particular 'procedure'? Throughout the SoP there is no other such detail, for example how to apply for a licence; or how enforcement will be carried out, etc? This is only a policy document. However, should opinion be otherwise and this remains, I suggest that 21.4(b) will not require reference to 'Scottish Ministers' and should be deleted.

Reply: The SoP details the principles the authority will apply when exercising its functions under the Act. As the council will have to determine review applications it has been

included, however we have removed the reference to Scottish Ministers to make it more applicable to this local authority.

Maritime and Coastguard Agency

Comment: Whereas the Maritime & Coastguard Agency are the responsible Authority with regard to Alcohol Licensing on small passenger vessels, we have no interest in respect of gambling. We would therefore request that you kindly remove us from your address list with respect to gambling applications.

Reply: Noted and removed from list of Responsible Authorities in Appendix 3.

Chris Guiney-Walsh

Comment: Paragraph 3.3, rewording of part of paragraph from; ‘...26 October 2009 and we followed the HM Government Code of Practice on Consultation (published July 2008) which is available at:’ to ‘.....26 October 2009. The HM Government Code of Practice on Consultation (published July 2008) was followed and is available at:’

Reply: Noted and agreed new wording added.

Comment: To put a capital C in reference to the council in paragraph 5.1

Reply: We have followed the corporate guide and this states that this should not be capitalised.

Comment: Paragraph 7.3 remove the word ‘it’s’ and replace with ‘their’

Reply: Updated accordingly.

Comment: 7.2 indicates who interested parties are. 7.5 and 7.6 expand on the first two points in 7.2, do you want to include a further section to expand an the third point in 7.2

Reply: This is further expanded upon in 7.8 and 7.9.

Comment: In paragraph 7.6 replace the word persevered with preserved.

Reply: Updated accordingly.

Comment: In paragraph 7.8 replace the word ‘and’ with commas.

Reply: Updated accordingly.

Comment: Amend paragraph 7.8 to read ‘...who can be classed as an interested party under...’ instead of ‘...who can be classed as one under....’

Reply: Updated accordingly.

Comment: In paragraph 8.1 amend wording to read ‘...information between *the licensing authority* and the’ Instead of ‘...information between *it* and the...’

Reply: Updated for clarification.

Comment: In paragraph 8.3 suggest capitalising ‘Licensing Team’.

Reply: We have followed the corporate guide and this states that this should not be capitalised.

Comment: Replace the word ‘institute’ with the word ‘instigate’ in paragraph 9.1

Reply: Whilst both words can have the same meaning we have change the word for easier reading.

Comment: In paragraph 12.6 amend the wording to read ‘...in its consideration of *any application*. *The licensing authority* will...’ instead of ‘...in its consideration of *it*. *It* will ...’

Reply: We have agreed this change for clarification purposes.

Comment: To expand on wording in paragraph 12.7 second paragraph, to read ‘...suitable to be located *in such areas* and ...’ instead of ‘...suitable to be located *there* and...’

Reply: We have agreed the new wording for clarity.

Comment: In paragraph 12.14 replace the words ‘need to’ with ‘shall’

Reply: New wording agreed.

Comment: The paragraph does not make sense, also change ‘We’ for ‘The licensing authority’

Reply: It was noted that a line of text had been removed incorrectly, this has now been reinstated. We disagree that the word ‘We’ should be changed, as the sentence goes on to state ‘licensing authorities’ and would become a duplication within the same sentence.

Comment: In paragraph 18.2 suggest change of wording ‘This authority *will need to* satisfy..’ to ‘This authority *shall* satisfy..’

Reply: This wording change has been agreed.

- Comment:** In paragraph 19.2 remove the word 'the' in the sentence '....maximum for *the* land being...'
- Reply:** The word 'the' has been removed.
- Comment:** In paragraph 19.2 change the paragraph from '...land which crosses *our* boundaries...' to '...land which crosses *its* boundaries...'
- Reply:** Wording changed accordingly.
- Comment:** The second paragraph in section 21 does not make sense.
- Reply:** Wording updated to correct phrasing.
- Comment:** In paragraph 21.2 remove the words 'thinks is' to '...which it *considers* appropriate.'
- Reply:** Wording agreed and amended.
- Comment:** Suggest change of wording in the first line of 23.3 to 'If a premises wishes to have more than two machines, *an application* for a permit *is required* and this licensing authority *shall* consider...' instead of current wording 'If a premises wishes to have more than two machines, *then it needs to apply* for a permit and this licensing authority must consider...'
- Reply:** We agree the new phrasing is clearer and the document has been updated.
- Comment:** Reference is made in paragraph 24.1 to LA this is inconsistent, consider LA or licensing authority or local authority.
- Reply:** Agreed, we have updated this to now read 'licensing authority'.
- Comment:** In paragraph 25.3 bullet point four, should this read 'a permit held by the applicant has been cancelled in previous years' instead of 'a permit held by the applicant has been cancelled in *the* previous *the* years'
- Reply:** Wording should read 'a permit held by the applicant has been cancelled in the previous *ten* years' and has been updated to reflect this.
- Comment:** Section 27.1 needs clarification.
- Reply:** Extra wording has been added to this section, in line with LACoRS model.
- Comment:** Appendix 2 The Pollution Control Team has changed its name to 'Community Protection'
- Reply:** Updated accordingly.
- Comment:** Appendix 3, there is a new address for the Community Protection department.
- Reply:** Updated accordingly.

Graham Burgin

- Comment:** The document refers to the Gambling Commission, the Commission and the GC within different parts of it. Perhaps a consistent term would work better.
- Reply:** Noted and agreed, we have updated the document to refer to the Gambling Commission as the 'GC' throughout, as per the Definitions on page 5.
- Comment:** Amend wording in Background section, remove the word 'new' in the first paragraph, in the third paragraph remove the word 'has', change the word 'removes' to 'removed' and the word 'will' to 'now'.
- Reply:** We agree this new wording and have updated the document accordingly.
- Comment:** Remove the word 'new' in section 1.1
- Reply:** Agreed, this word should be removed.
- Comment:** In section 11.1 bullet point 3, this bullet point may need considering. Your right of entry under the Act only applied to the application process (see s312) not regulation of gambling thereafter.
- Reply:** In this section we are making reference to the functions of the licensing authority, the issuing of Club Gaming and Club Machine permits is one of the functions the authority has to undertake, but it is appreciated that the comment is correct with regards to right of entry after the permit has been issued.
- Comment:** In section 12.11, does this section refer to pubs also? If so how will it be reasonably implemented by operators?
- Reply:** We have amended the wording to state 'where necessary and deemed appropriate'. Where problems have been identified with a machine at a premises, we can look at the actions listed to resolve any issues of underage gaming on Category C machines.
- Comment:** In section 22.1, perhaps state that gaming machines must be Cat D only.
- Reply:** Agreed wording added for clarity.

- Comment:** Should paragraph 23.5 be included? It seems to almost advertise something we would not want to happen.
- Reply:** It is an option available to some alcohol licensed premises, so we have incorporated the information. We would of course deal with each application based on its own merits, and have regard to the licensing objectives and any code of practice.
- Comment:** With regard to paragraph 23.6, any gambling in pubs should be ancillary to its main purpose. It would have to be a pretty huge premises to justify 19 machines as a secondary purpose.
- Reply:** This section is clarifying that officers can make a decision to put any such application for this amount of machines to the committee to determine.
- Comment:** Section 25, This section is a little unclear “consider changing to “Members Clubs and Miners Welfare Institutes may apply for either a Club Gaming Permit or a Club Machine Permit. Commercial Clubs may only apply for a Club Machine Permit.
- Reply:** This section has been reworded and extra detail has been added to clarify the differences between the types of Clubs and entitlements.
- Comment:** Section 27.1, perhaps include more detail. i.e. the purpose of occasional use notices is to provide “tracks” with the ability to hold events at which gambling can take place without the need for a full premises licence. Any person providing betting facilities at the “track” will still need to hold an appropriate betting operating licence.
- Reply:** Extra wording has been added to this section, in line with LACoRS model.
- Comment:** Appendix 5 In multiples of £10? What does it mean and where does it come from?
- Reply:** This is lifted directly from the Guidance issued by the Gambling Commission. It means that Category B2 machines can accept the maximum stake of £100, but it must be in multiples of £10 notes rather than £20 notes. To ensure the person making the bet is fully aware of the amount they are betting.

Teresa

Please find a couple of comments below. PASB is the Peterborough Adult Safeguarding Board.

Thanks, Denise

Denise Radley
Director of Adult Social Services
Peterborough City Council & NHS Peterborough
Town Hall
Peterborough
PE1 1FA

From: Wadham Karen
Sent: 17 August 2009 12:19
To: Radley Denise
Subject: RE: Gambling Act 2005 - Consultation on revised draft Statement of Principles

Would the PASB need to be included/recorded in a similar way to the Children's Safeguarding Board? (section 6.2) Perhaps it needs to be a bit more explicit about whochildren and other vulnerable adults..." are in section 1.1 , eg adults suffering from lack of capacity (eg dementia) and/or those covered by the MCA even though page 14 says the act does not define it more?

Would the DAAT have any other suggestions (Nick Blake) that may be helpful?

Can't see anything more explicit than those, K

From: Radley Denise
Sent: 10 August 2009 22:17
To: Wadham Karen
Subject: FW: Gambling Act 2005 - Consultation on revised draft Statement of Principles

This statement of principles covers vulnerable people though the reference appears brief (page 14) and says that the term cannot be defined. I couldn't think of any specific comment to make in my DASS role - any thoughts?

Thanks, Denise.

Denise Radley
Director of Adult Social Services
Peterborough City Council & NHS Peterborough
Town Hall
Peterborough
PE1 1FA

From: Martin Teresa [mailto:teresa.martin@peterborough.gov.uk]
Sent: 07 August 2009 15:37
To: DIRECTORS
Cc: Director's PAs
Subject: Gambling Act 2005 - Consultation on revised draft Statement of Principles

Dear Sir / Madam,

Please find attached letter which details information regarding the consultation on the Gambling Act 2005 revised draft of the Statement of Principles. The consultation runs from the 3 August 2009 and all comments

must be received by 26 October 2009. The revised draft Statement of Principles is also attached for ease of reference.

Your contribution will be important to us in deciding the final content of our Statement of Principles. As such I would welcome your feedback on the draft Statement of Principles, all comments received will be considered.

Kind regards

Terri Martin
Regulatory Officer (Licensing)
Peterborough City Council
Bridge House
Town Bridge
Peterborough
PE1 1HU

To find out more about Peterborough City Council please go to: www.peterborough.gov.uk

Please consider the environment before printing this email

Gambling Act 2005

Terri,
Many thanks for including us in the consultation on your review of Statement of Principles. However you do not have any specific comments to make at this stage. Once again many thanks and please continue to include us in any future consultations.

Richard Matthews,
Regional Secretary,
British Beer and Pub Association Midland Counties

www.beerandpub.com
www.axethebeertax.com

From: Jones Judy
Sent: 17 August 2009 16:55
To: Gambling
Subject: Protection of Children Gambling Act

Hi there.

I am offering the following response to the consultation on behalf of Peterborough Safeguarding Children Board.

It is very positive to see that safeguarding children is receiving the high priority it warrants and offers sensible suggestions as to how organisations can get staff up to speed.

- The Local Safeguarding Board Interagency Procedures define a child as "under 18" therefore child protection procedures do apply to a 17 year old child. We do not differentiate between a child and a young person.
- I note there is no definition of vulnerable adult. You may wish to contact the vulnerable adults team for their advice safeguardingadultsteam@peterboroughpct.nhs.uk
- We welcome at 12.13 the suggestion of door supervisors being employed. We offer basic child protection training too through our training programme which you can access at www.pscb.org.uk.
- You could add in at 22.2 something to the effect that Peterborough Safeguarding Children Board have web based interagency procedures which are available at www.pscb.org.uk or alternatively www.proceduresonline.com/peterboroughscb
- I note that Appendix 2 says Children's Board (It is Children Board with no s)

- Also Appendix 3 the contact point is the Safeguarding Service Manager (not Child Protection and Review Manager)



Judy

Thank you
Judy Jones

Policy Officer for Peterborough Safeguarding Children Board (responsible for co-ordinating and ensuring the effectiveness of the work of partner bodies to safeguard and promote the welfare of children)

2nd Floor
Bayard Place
Broadway
Peterborough
PE1 1FD

Visit our website at www.pscb.org.uk

Chris Guiney-Walsh, Community Protection Officer

Various comments as highlighted at Appendix B.

Hi Terri

I have proof read rather than commented on content, as obviously I have no idea about the legislation. It's all on track changes so you can accept or reject as much or as little as you want. Hope it's useful.

Chris Guiney-Walsh
Community Protection Officer
Operations Directorate
Bridge House
Town Bridge
Peterborough
PE1 1HU

Good Afternoon

Re: Gambling Act 2005 Consultation Letter dated 3 August 2009

Whereas the Maritime & Coastguard Agency are the responsible Authority with regard to Alcohol Licensing on small passenger vessels, we have no interest in respect of gambling. We would therefore request that you kindly remove us from your address list with respect to gambling applications.

Please confirm when this has been done.

Regards

Shirley Kidney
Harwich Marine Office Admin.

Member's Response to the Gambling Act 2005 – Consultation on the review of Statement of Principles.

Sent by: Cllr Stephen Lane

Date: 9th August 2009

Introduction

Thank you for the opportunity to comment on a draft edition of the second Statement of Principles (SoP).

I make the following comments purely from an observer's point of view. I do not have any particular interest in any aspect of the Gambling Act 2005, nor with any business or parties that may be involved in premises licensing.

If I may first make a suggestion that in future consultations, it would be extremely helpful if the draft edition is produced to indicate any changes from the last one. I am sure that because the previous SoP was read by Members, it would be helpful to highlight subsequent amendments or additions.

Comments on draft version of SoP 2010

The draft SoP has been reviewed in accordance with the latest edition of the Gambling Commission's Guidance to Licensing Authorities, issued in May 2009. Part 6 of that guidance suggests that all authorities should follow, in accordance with regulations made by the Secretary of State, a prescribed form and must include certain fundamental principles.

I therefore ask that you consider the following:

Principles

1. The SoP should state that PCC will use its authority according to s153 of the Act (*GC Guidance May 2009 - 6.3*). A late reference is made to this, but only under the subject heading of 'Reviews', and it would be preferable to make a statement at the front or near the beginning of the SoP. This allows readers an easy reference to the relevant legislation and offers more transparency.
2. Under Section 156 of the Act licensing authorities are required to maintain a register of premises licences issued by the authority and made available to the public who may request copies of the entries (*GC Guidance May 2009 - 6.52*). This was in the first SoP but omitted from the one we see here, and should be reinstated. The information should also state where it can be found and viewed, along with details of the cost of obtaining copies.
3. Authorities should ensure that information regarding the fees to be charged should be made available to the public (*6.53*). In the interest of transparency, this information and where to find it should be made known through the SoP.

Other Comments

4. In "Definition of Premises" (12.3) the second sentence is confusing and difficult to comprehend, and appears to contradict the rest of that paragraph. It would be helpful and more explicit if the paragraph started something like:
 - a. In the Act, "premises" is defined as including "any place". Section 152 of the Act prevents more than one premises licence applying to any single place. However, it is possible for a single building to be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can easily be regarded as being different premises or places.

5. Licensing Objectives (12.7) repeats all three objectives and are sufficiently important to be highlighted by the continued use of bullet points, e.g. 12.7.1 etc.
6. Reviews (21.0) I am not sure the addition of how to conduct a Review is necessary. The document's intention is surely to declare this authority's 'principles', and not to outline any particular 'procedure'? Throughout the SoP there is no other such detail, for example how to apply for a licence; or how enforcement will be carried out, etc? This is only a policy document. However, should opinion be otherwise and this remains, I suggest that 21.4(b) will not require reference to 'Scottish Ministers' and should be deleted?

I am happy to receive opinion on any of the above, but please do not feel obliged - I am sure there will be too many to answer. In the meantime, thank you for the consultation and I await the outcome in due course.

Yours sincerely,

Steve Lane
Councillor Werrington North

Graham Burgin – The Gambling Commission.

Various comments as highlighted at Appendix B.

Hi Terri

I have added comment where appropriate to the Statement of Principles document. Please feel free to ignore/include as deemed necessary. If you are unsure about any of my comments then give me a call to discuss.

Lastly, the document refers to us as "the Gambling Commission", "the Commission" and "the GC" within different parts of it. Perhaps a consistent term would work better?

I would politely add that the comments are my own and not necessarily those of "the Gambling Commission".

Graham

Message from Councillor Pamela Winslade

Good afternoon,

I would like to acknowledge receipt of the paperwork. I have a query with regards to part C 22.2; this section does not appear to include vulnerable people.

I am a member of the Licensing Committee and a Ward Councillor from Orton Longueville.

*Lauren Thompson
Acting Assistant Members' Services Officer
Peterborough City Council*