

Tel 01621 875744
Fax 01621 852575
Email john.hughes@maldon.gov.uk
Our ref JH
Your ref

MALDON DISTRICT COUNCIL

Princes Road
Maldon
Essex CM9 5DL



Jill McKenzie
Gambling & National Lottery Licensing Division
DCMS
3rd Floor
2-3 Cockspur Street
London
SW1Y 5DH

**DEPARTMENT OF
COMMUNITY SERVICES**
CHIEF COMMUNITY SERVICES OFFICER
Averil Spencer

23 February 2006

Dear Jill

GAMBLING ACT 2005 – CONSULTATION PAPER – LICENSING AUTHORITY POLICY STATEMENTS

I refer to the above consultation paper which has been considered by the Council. Comments on the paper are as follows:-

1. The Council notes the proposed requirement to formally designate who is competent to advise a licensing authority on child protection issues but feels that it is important that the same body provides this advice within each county area.
2. The Council welcomes the wider definition of interested parties and the opportunity to determine the principles to be applied in deciding whether a person is an interested party under the Act.
3. The draft regulations should be amended to include a requirement for licensing authorities to publicise the commencement of the preparation of its draft licensing policy statement and to invite comments from members of the public on it.

With regard to 1 above, the Council feels that to avoid duplication, one body – expected to be the relevant County Council through its Child Protection Committee – should be designated for this purpose in any one County area.

The proposal in 2 above to state the principles to be applied in determining whether a person is an interested party is welcomed. This has become a difficult issue under the Licensing Act as no legal definition is provided for 'in the vicinity', the DCMS saying simply that it will be a matter for the courts to determine. That has not been particularly helpful as it means that different criteria are being used by each licensing authority. Conversely it does allow different criteria to be applied to urban and rural areas where ambient noise levels differ.

The Gambling Act provides a slightly different definition of an interested party as a person who lives sufficiently close to the premises to be likely to be affected by the authorised activities, has business interests that might be affected or who represents such persons. This is an improvement from that used in the Licensing Act.

With regard to 3 above, although the Act states who must be consulted by a licensing authority in preparing its statement of licensing policy, there appears to be little point in publishing a



notice stating that the final statement is about to be published when there is no requirement to advertise the commencement of the consultation process and to invite comments from people who may be affected by it.

The Council feels therefore that the Draft Regulations should be amended by the addition of a requirement to publicise the commencement of the consultation process to prepare the licensing policy statement or a revision to it and to invite comments from any interested party at that point.

Other than to re-emphasise that the final regulations should be in place well before the formal guidance is issued to licensing authorities by the Gambling Commission, the Council has no further comments to make on the draft regulations.

Yours sincerely

John Hughes
Licensing Services Advisor