

Ms Jill McKenzie
Department for Culture , Media and Sport,
Gambling and National Lottery Licensing
2-4 Cockspur Street
LONDON
SW1Y 5DH

Our Ref: ACPOS/Lic/NM

Your Ref:

Date: 25 February 2004

Dear Jill

Premises Licensing Working Group

I refer to the above subject and have consulted with my colleagues from ACPOS who welcomed the opportunity to make comment on the draft clauses released in November 2003. Unfortunately there has been little opportunity to obtain comments on the draft clauses released in early 2004.

The draft bill provides a comprehensive legal framework, which addresses issues relevant to modern society and with particular emphasis on the prevention of crime, criminal activity as well as the protection of children and vulnerable persons.

At this time, we await the draft clauses relating specifically to Scotland and I would be obliged if clarification could be given as to the proposed timetable for the release of the draft clauses relating to Scotland and whether they will be released through your Department or through the Scottish Executive.

Although there were no major issues highlighted with regard to the draft bill as it currently stands, the following points were highlighted as worthy of comment.

1. Although the draft bill under Schedule 4 qualifies part of 'relevant offence' as falling under the terms Theft Act, 1968, I would ask for clarification that offences relating to Scotland would either fall under common law or a specific statute relating to Scotland.
2. Consideration should also be given to offences that do not fall within the interpretation of 'Relevant Offence' but shows a history or pattern of an

individuals total disregard for the law or of the consequences of their actions (i.e. having committed several offences relating to disqualified driving, or driving without insurance). These examples only provide an idea of what may be considered relevant and are not exhaustive.

3. Consideration should also be given to allow Police Forces on request from the Gambling Commission to continue to report on the suitability of applicants for personal and operator's licences.
4. Some concern has been raised with regard to 'remote gambling' with regard to how the correct age of participants can be determined and regulated. I would anticipate that rigorous tests would require to be put in place which would include the use of credit cards as a means of ensuring that person under eighteen years of age do not qualify.
5. One Force although acknowledging that under the powers of entry and inspection, police officers, gambling inspectors and authorised persons could use reasonable force for the purposes of entering premises under the Act, however, consideration would have to be given with regard to the differences between Scottish and English Law.
6. With regard to door supervision conditions attached to premises, such a requirement should be qualified to ensure that such personnel are trained to a national standard accepted throughout the UK.

I hope that these comments are of benefit and will add to the discussion at the next meeting.

Yours sincerely

Norrie McLean
ACPOS representative