

Supplementary addenda to the Statement of Gambling Policy for approval by the Licensing Committee.

- 1.1 On page 10 of the current document as Local Transport Plan no longer exists, deleted and replaced as follows:

Relevant plans and strategies include:

- ❖ Crime and Disorder Strategy – The Licensing Authority will fulfil its duty under section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough. As far as possible, licensing decisions will aim to contribute to the targets set in the Crime and Disorder Strategy and conditions attached to licences and certificates will reflect local crime prevention strategies.

~~Local Transport Plan – the Licensing Authority aims to work with the local transport authority and will consider ways in which the public can be dispersed from licensed premises and events so as to avoid disturbance, crime and disorder.~~

This is now covered in para 2.4 of the document.

- 2.2 On page 11 deleted and replaced as follows:

Decisions as to whether representations are irrelevant, frivolous or vexatious will be made by Licensing Officers, who will make the decisions on whether representations or applications for licence reviews should be referred to the Sub-Committee. Where representations are rejected, the person making that representation will be given written reasons as to why that is the case. ~~Under the Gambling Act there is no right of appeal. However, there may be a right of appeal under the Human Rights Act.~~ The Gambling Act provides no right of appeal in these circumstances, although other avenues of legal challenge, for example Judicial Review, may be available.

- 2.3 On page 12 deleted and replaced as follows:

The Licensing Committee has delegated responsibilities for determining certain administrative functions in respect of the Licensing Authority's approach to this Policy. Therefore the Licensing Committee may decide to adopt the following:

- ~~● Enforcement Concordat~~
 - Regulators Compliance Code (Gambling Commissions Guidance)
 - Information Sharing Protocol
 - Charges for Pre-application Advice
- Other matters relating to the administration of the Licensing Authority's functions under this Act

2.4 On page 14 deleted and replaced as follows:

4.4 Enforcement

~~The Council is a signatory to the Enforcement Concordat and will follow the principles set out in it. The concordat is based around the principles of consistency, transparency and proportionality.~~

~~The Enforcement Concordat, attached as Appendix C, proposes that a graduated response is taken where offences against legislation are found or where licence conditions have been contravened. An isolated administrative offence, such as failing to maintain certain records, may be dealt with by way of a written warning. More serious offences may result in the issue of a Formal Caution, a referral to Sub-Committee, or a referral for prosecution.~~

The Licensing Authority intends to use appropriate enforcement to promote the licensing objectives. Once licensed, it is essential that premises be monitored to ensure that they are run in accordance with their operating schedules, in compliance with the specific requirements of the Act and in compliance with any licence conditions. It will also be important to monitor the Borough for unlicensed premises.

The Licensing Authority will seek to work actively with the Police in enforcing licensing legislation and intends to establish protocols with the Metropolitan Police on enforcement issues to ensure an efficient deployment of police and council officers.

Such protocols will be agreed by the Licensing Committee.

2.5 Page 22 the reference to the Enforcement Concordat is deleted and replaced as follows:

REGULATORS COMPLIANCE CODE & ENFORCEMENT POLICY

This document sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures.

This can be accessed by the following web link:

http://www.merton.gov.uk/working/tradingstandards/enforcement_policy-4.pdf

(If the Licensing Committee so requests the full document of 23 pages can be attached to the Policy Statement)