

**Meeting:** COUNCIL  
**Portfolio Area:** ENVIRONMENT & E-GOVERNMENT  
**Date:** Wednesday 6<sup>th</sup> December 2006

**GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**  
(Environmental Health & Licensing)

Author – Emma Rose Ext.No. 2175  
Lead Officer – Richard Evans Ext.No. 2271  
Contact Officer – Emma Rose Ext.No. 2175

**1 PURPOSE**

To seek approval of Stevenage Borough Council's Statement of Principles for the Gambling Act 2005. (Appendix 1).

**2 RECOMMENDATIONS**

That the Statement of Principles at Appendix 1 is approved.

That Council does not make a 'No casino resolution' at this stage.

**3 BACKGROUND**

Implementation of the Gambling Act 2005 will mark a significant change in the way that gambling (betting, gaming and lotteries) will be regulated throughout the United Kingdom. It replaces the Betting, Gaming and Lotteries Act 1963; the Gaming Act 1968; and the Lotteries and Amusements Act 1976.

The Council currently exercises some duties under these Acts, and the Gambling Act will bring new responsibilities to the Council as the local licensing authority. There is a specific duty to prepare a 'Statement of Principles,' within which we must explain how we will exercise our functions under the Act. This document must be published by 3<sup>rd</sup> January 2007.

Our statement has been subject to public consultation, the outcome of which was reviewed by the Licensing Committee on 23<sup>rd</sup> November. Following consideration of this matter, the Licensing Committee passed a resolution requesting Council to adopt the 'Statement of Principles' as detailed in the appendix to this report.

**4 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS**

**4.1 4.1 General**

4.1.1 A new regime for gaming, betting and lotteries is due to be implemented from 1<sup>st</sup> September 2007. The Gambling Act 2005 introduces a new system of regulation with the creation of a powerful new regulator in the form of the Gambling Commission

to replace the former Gaming Board of Great Britain, and for many of the licensing functions exercised by magistrates' courts to be passed to local authorities.

4.1.2 Under the Act, the Gambling Commission is responsible for issuing operator licenses and personal licenses. The Council in its capacity as a licensing authority will have responsibility for issuing premises licenses, a variety of permits for gaming machines, the registration of lotteries and related activity.

4.1.2 4.1.3 In carrying out its functions, the Council is under a statutory duty to aim to permit the use of premises for gambling as long as it is considered to be:

- In accordance with any relevant Codes of Practice issued by the Gambling Commission;
- In accordance with any Guidance issued by the Gambling Commission.
- In accordance with its Statement of Principles;
- Reasonably consistent with the licensing objectives.

4.1.3 The licensing objectives (which are different from those under the Licensing Act 2003) are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

4.1.4 The Act provides that the Committee established to administer the Licensing Act 2003 shall exercise the relevant responsibilities under the Gambling Act, with the exception of:

- The adoption of the licensing statement of principles; and
- Any resolution relating to casinos.

The above are decisions for Council.

4.1.5 It is therefore expected that the procedures for the Licensing Committee dealing with Gambling Act applications will be broadly similar to those for the Licensing Act. It is proposed however, to make some minor amendments to the terms of reference for the Licensing Committee in order to ensure that this responsibility is explicit.

4.1.6 The Statement of Principles also includes an explanation as to how the functions will be delegated. It is proposed to bring forward a specific report to the Licensing Committee in order to deal with delegations to officers.

4.1.7 The Council has not made an application to the Casino Advisory Panel, which will be advising the Secretary of State on the location of the one new regional, and eight large and eight new small casinos. Under section 166 of the Act the Council is entitled to pass a resolution not to issue any casino premises licenses in the event that it subsequently obtains the power to do so.

4.1.8 If the Council decides to have a 'no-casino' resolution, it has effect for three years during which period it may be revoked by further resolution or a new resolution passed on expiry. In passing a resolution the authority may have regard to any matter or principle.

4.1.9 The authority is under a duty to produce a Statement of Principles, which sets out its' approach to certain matters where it has some discretion, such as the setting of conditions, conducting licence reviews and the issuing of some permits. The mandatory elements of this statement were prescribed by Regulations in January 2006.

4.1.10

4.1.11 Statement of Principles includes specific policies on:-

- Door Supervisors at casinos and Bingo Premises;
- Permits on unlicensed Family Entertainment Centres
- Prize Gaming Permits;

## **4.2 Consultation Responses**

4.2.1 In formulating its Statement the Gambling Act requires that various parties are consulted by Licensing Authorities and a full list of consultees is contained within the Statement of Principles.

4.2.2 Copies of the draft Statement of Principles were sent to each of the consultees (142 in total), and placed on the Stevenage Borough Council website. In line with recommendations from the Cabinet Office, the consultation period ran for twelve weeks ending 24<sup>th</sup> November 2006..

4.2.3 As part of this process a specific question was added as to whether Stevenage Borough Council should have a 'No casino' resolution.

4.2.4 Seven consultation responses have been received and were considered by the Licensing Committee. All responses were supportive of the Statement of Principles with no significant criticisms. One consultee replied that Stevenage Borough Council should have a 'no casino resolution'. Minor changes were made to the statement as a result of the responses received.

# **1 5 IMPLICATIONS**

## **5.1 Financial Implications**

As most of the applications will be dealt with administratively, there is not expected to be a large increase in workload. Applications will have to be accompanied with the statutory application fee in each case. The government will set a maximum band of fees to be charged, the details of which have yet to be published. A small and unidentified amount of money has been provided by the government in the revenue support grant for the implementation of and training for the Act.

## **5.2 Legal Implications**

The Licensing Authority has a statutory duty to produce a Statement of Principles under the Gambling Act 2005. This must be published by 3<sup>rd</sup> January 2007.

## **5.3 Community Safety Implications**

The Act has a community safety implication arising from the licensing objectives. There are currently no local concerns about the impact of gambling safety on community safety, and it does not appear within the Council's community safety plan.

## **BACKGROUND DOCUMENTS**

- Gambling Act 2005
- Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2005
- Guidance for Local Authorities (Gambling Commission, April 2006)
- LACORS template Statement of Principles (April 2006)

## **APPENDICES**

- Appendix 1 - Stevenage Borough Council Statement of Principles