

Meeting: Executive
Portfolio Area: Safer and Stronger

Council Agenda Item:

11

Date: 20 November 2012

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES REVIEW

NON-KEY

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1. PURPOSE

1.1 To recommend to Council Statement of Principles required by the Gambling Act 2005.

2. RECOMMENDATIONS

2.1 That the proposed Stevenage Borough Council Statement of Principles 2013-2016, set out at Appendix A, drafted in accordance with the Gambling Act 2005 be noted and recommended to Council for approval.

3. BACKGROUND

3.1 The Gambling Act 2005 when introduced marked a significant change in the way that gambling (betting, gaming and lotteries) was regulated throughout the United Kingdom, replacing the Betting, Gaming and Lotteries Act 1963; the Gaming Act 1968; and the Lotteries and Amusements Act 1976.

3.2 The Gambling Commission is the main regulator for gambling within the UK, and its functions include the licensing of bingo operators, book makers, casino operators, pools operators, certain types of lotteries, gaming machine manufacturers and the operators of remote gambling. In addition, the Gambling Commission is responsible for all aspects of personal licensing.

3.3 Stevenage Borough Council is responsible for the following licensing functions:

- Licensing of premises where gambling activities are to take place by issuing premises licenses;
- Issuing of provisional statements;
- Regulate members' clubs who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits;
- Issuing of club machine permits to commercial clubs;
- Granting of permits for the use of certain lower stake gaming machines at unlicensed family entertainment centers;

- Receiving notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or less gaming machines;
- Granting licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required;
- Register small society lotteries below prescribed thresholds;
- Issue prize gaming permits;
- Receive and endorse temporary use notices;
- Receive occasional use notices;
- Provide information to the Gambling Commission regarding details of licenses issued;
- Maintain registers of the permits and licenses that are issued under these functions;
- Exercise its powers of compliance and enforcement under the Act in partnership with the Gambling Commission and other responsible authorities.

3.4 The Council is required by the Act to review, prepare and consult upon its Statement of Principles every three years, and if necessary, prepare revisions to this. This is to enable us to exercise our functions under the Act every three years or sooner if required.

3.5 The statement of principles must be published on the Licensing Authority's web-site, and also at one other location as prescribed in the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006.

3.6 The Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 determines the form of the statement and details the areas that should be covered within the statement.

3.7 The following must also be set out in separate sections:

- The principles to be applied by the authority in exercising the powers under s.157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm;
- The principles to be applied by the authority in exercising the powers under s.158 of the Act to determine whether a person is an interested party in relation to a premises license, or an application for or in respect of a premises license;
- The principles to be applied by the authority in exercising the functions under s.29 and s.30 of the Act with respect to exchange of information between it and the Gambling Commission, and the functions under s.350 of the Act with respect to the exchange of information between it and the other persons listed in Schedule 6 of the Act.
- The principles to be applied by the authority in exercising the functions under part 15 of the Act with respect to the inspection of premises; and the powers under s.346 of the Act to institute criminal proceedings in respect of the offences in that section.

4. REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 4.1. The Licensing Committee and Officers have reviewed the current Statement of Principles in line with the Gambling Commission's guidance and updated templates as provided by the Local Government Association, there are no other material changes required. A copy of the proposed Statement of Principles is attached at Appendix A.
- 4.2. The current Policy has worked well and there were only minor amendments proposed, it was agreed at General Purposes Committee on the 14 August 2012 that the consultation period could be condensed from the suggested 12 weeks to a period of 10 weeks.
- 4.3. The General Purposes Committee does not have the function under the Council's constitution to agree the changes to the Council's Statement of Principles as this is an Executive function. Should via the consultation and Executive changes be agreed, this would materially change the Council's current policy which agreement is reserved to Council.
- 4.4. The Gambling Act requires that the following parties are consulted by Licensing Authorities (a full list of consultees is set out within the proposed Statement of Principles page 38):
 - One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area.
 - 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 Gambling Act 2005:
- 4.5. All consultees were notified in writing of our consultation period. Copies of the draft statement of principles were made available to each of the consultee's upon request; this was also placed on the Stevenage Borough Council website for viewing.
- 4.6. The consultation period ran for a period of ten weeks, that being 17 August – 26 October 2012. The Licensing Authority must publish their Statement of Principles by 3 January 2013; this then comes into force on the 31 January 2013.
- 4.7. There were no representations made with regard to the proposed contents of the Stevenage Borough Council Statement of Principles 2013-2016 within the consultation period.

5. IMPLICATIONS

5.1. Financial Implications

- 5.1.1. None, as most of the applications are dealt with administratively, there is not expected to be a large increase in workload.

5.2. Legal Implications

- 5.2.1. The Licensing Authority has a statutory duty to produce a Statement of Principles under the Gambling Act 2005. This must be published by 3rd January 2013.

5.2.2. Un-successful implementation of the Act would cause considerable difficulty to not only businesses but residents alike. The production of this Statement of Principles must therefore be undertaken effectively to ensure that it is re-published by the 3rd January 2013, to be in effect from the 31st January 2013.

5.3. Community Safety Implications

5.3.1. 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.

5.4 Equalities and Diversity Implications

5.4.1 An Equality Impact Assessment (EIA) of Environmental Health (including licensing) has been carried out. The EIA did not identify any adverse or discriminatory impacts on the grounds of age, disability, gender ethnicity, sexual orientation, religion or beliefs or by way of financial exclusion.

5.4.2 The aim of the Statement of Principles is to 'provide information and guidance on the general approach that the Council will take to licensing'. The Statement does not prevent anyone from making an application, and each application will be considered on its individual merits.

5.4.3 The Statement of Principles supports a culture of openness where appropriate information can be accessed by all parties. Hearings, when required, will be held in public and any enforcement will be in line with the principles promoted within the Enforcement Concordat.

BACKGROUND DOCUMENTS

- BD1 - Gambling Act 2005
- BD2 - Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2006
- BD3 - Guidance for Local Authorities, 3rd Edition (Gambling Commission, May 2009)
- BD4 - Gambling Act 2005; Stevenage Borough Council Statement of Principles 2010-2013

APPENDICES

- Appendix A – Draft - Gambling Act 2005; Stevenage Borough Council Statement of Principles 2013-2016