

Meeting: Executive/Council
Portfolio Area: Safer Communities and Equalities
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2015

Agenda Item: 11

GAMBLING ACT 2005 – STATEMENT OF POLICY

Authors –	Sara Baker	Ext.No.2904
Contributor-	Prabhjit Sobti	Ext.No.2090
Lead Officer –	Aidan Sanderson	Ext.No.2311
Contact Officer –	Sara Baker	Ext.No.2904

1. PURPOSE

- 1.1 That the Executive consider the Council's Statement of Policy (previously known as a Statement of Principles) as required under the Gambling Act 2005.

2. RECOMMENDATIONS

- 2.1 That the Executive agree the proposed Stevenage Borough Council Gambling Act 2005 Statement of Policy 2016-2019 (attached at appendix A).
- 2.2 That the Executive recommend the Stevenage Borough Council Statement of Policy to Full Council.

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 in respect to the 2005 Act:
 - 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;
- Receipting 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 Policy every three years, and if necessary, prepare revisions to this. This is the fourth Statement of Policy produced by this Licensing Authority under the Gambling Act 2005.

3.5 The Statement of Policy must be published on the Licensing Authorities web-site. 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.

3.6 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 objective of the Statement of Policy is to provide a vision for the local area. In previous years the LGA/LACORS produced a template statement of Policy for licensing authorities to adopt. Following changes to the licensing conditions and codes of practice in 2015, this is no longer thought to be appropriate as it does not accurately reflect local concerns.
- 4.2. Operators will now have an obligation from April 2016 to produce a local risk assessment which will assist local authorities when they are considering applications, similar to the operating schedules provided by applicants under Licensing Act 2003.
- 4.3. The changes are as follows:
 - 4.3.1 All non-remote licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises and have policies, procedures and control measures to mitigate those risks.
 - 4.3.2 In making risk assessments, licensees must take into account relevant measures identified in the licensing authority's statement of licensing policy.
- 4.4 In line with developing a more local focus for statements of licensing policy, local authorities are now able to produce local area profiles which can draw data about risk from a wide range of different sources, either as part of their statement of gambling policy or as a stand-alone document which can be updated as necessary. Applicants for new or variations to premises licences will be required to consider this profile. It is proposed that a stand-alone local area profile for Stevenage Borough Council will be produced in the Spring of 2016.
- 4.5 Local Authorities are encouraged to set out in their policy statement what they would expect local operators to include in their premises risk assessments. This has been done (p10-11) and is the main difference from the previous statement of policy.
- 4.6 The other changes are
 - the addition of an updated Gaming Machine schedule at Appendix 4 to show the changes to maximum stakes and prizes.
 - Minor changes to references as a result of the updated guidance from the Gambling Commission.
- 4.7 A copy of the proposed Statement of Policy is attached at appendix A with changes from the previous policy highlighted in yellow.
- 4.8 The draft Statement of Policy was taken to General Purposes Committee on 9th November 2015. General Purposes Committee does not have the function under the Council's constitution to agree the changes to the Council's Statement of Policy as this is an Executive function. If changes are required as a result of the consultation or Executive changes, this would materially change the Council's current policy which only Council can approve.

- 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 Policy page 34):
- 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 Policy 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 eight weeks, that being 21st August – 16 October 2015. The Licensing Authority must publish their Statement of Policy by 3rd January 2016; this then comes into force on the 31 January 2016.
- 4.7 There were no representations made with regard to the proposed contents of the Stevenage Borough Council Statement of Policy 2016-2019 within the consultation period.
- 4.8 At present the Authority has permitted licenses for the following establishments:

Type	Number
Bingo	1
Adult gaming premises (amusement arcade)	3
Betting shops	14
Club gaming permit	1
Club machine permit	5
Licensed premises gaming machine permits	16
Notification of gaming machines (two or less)	34
Small society lotteries	55

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 an onerous change.

5.2 Legal Implications

- 5.2.1 The Licensing Authority has a statutory duty to produce a Statement of Policy under the Gambling Act 2005. This must be published by 3rd January 2016.
- 5.2.2 Unsuccessful implementation of the Act would cause considerable difficulty to not only businesses but residents alike. The production of this Statement of Policy must therefore be undertaken effectively to ensure that it is re-published by the 3rd January 2016, to be in effect from the 31st January 2016.

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 (EqIA) of Environmental Health (including licensing) has been carried out. The EqIA 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. The emerging Local Area Profile will detail any further implications that will require mitigation.

6 BACKGROUND DOCUMENTS

- The Gambling Act 2005
- The Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2006
- Guidance for Local Authorities, 5th Edition (Gambling Commission, March 2015)
- Gambling Act 2005; Stevenage Borough Council Statement of Policy 2013-2016

7 APPENDICES

- (A) - Gambling Act 2005; Draft Stevenage Borough Council Statement of Policy 2016-2019