

Meeting: GENERAL PURPOSES COMMITTEE

Date: 14 August 2012

GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES REVIEW

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1 PURPOSE

1.1 That Members approve the revised draft of Stevenage Borough Council's Statement of Principles for the Gambling Act 2005 (Appendix 1), and agree to a period of consultation on the proposed changes.

2 RECOMMENDATIONS

2.1 It is recommended that, subject to any amendments recommended by the Committee, Members agree that officers conduct a public consultation exercise on the Gambling Act 2005 Statement of Principles with a view to reporting back to Executive on the 20 November 2012 and then to Full Council on the 5 December 2012.

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 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 (see section above on 'information exchange');
 - 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 Authorities 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 Furthermore, the following must also be set out in separate sections:
- (a) 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;
 - (b) 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;
 - (c) 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.
 - (d) 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 DISCUSSION

- 4.1 Officers have reviewed the current Statement of Principles in line with the Gambling Commission guidance and updated templates as provided by the LGA and there are no changes required.
- 4.2 As the Policy has worked well and there are only minor amendments it is intended that the consultation period should be slightly less than the suggested 12 weeks being a period of 10 weeks. A shorter period of time has been selected because there was an initial full 12 week consultations for the last review in 2009 and there

are no significant alterations with regard to this review. Comments received will be reported to the Committee cycle in November/December 2012.

- 4.3 A comparative table of all the suggested changes is attached as appendix 2 to this report.
- 4.4 The scheme of delegations previously approved by Stevenage Borough Council is included in the attached draft Statement of Principles as appendix 5 therein.
- 4.5 Originally, the Council did not make an application to the Casino Advisory Panel for one of the new regional, or eight large and eight new small casinos. Under section 166 the Council was entitled to pass a resolution not to issue any casino premises licenses in the event that it subsequently obtains the power to do so.
- 4.6 The Council made the decision to have a 'no-casino resolution'. This was with effect for three years during which period the Council may revoke this by further resolution, or a new resolution passed on expiry.
- 4.7 The Gambling Act requires that the following parties are consulted by Licensing Authorities:
- 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:
- The full list of consultees is contained within the Statement of Principles attached as appendix 1 to this report, appendix 2 therein.
- 4.8 All of the consultees will be notified in writing of our consultation period. Copies of the draft statement of principles will be made available to each of the consultee's upon request, and will also be placed on the Stevenage Borough Council website.
- 4.9 The consultation period will run for a period of ten weeks. The Licensing Authority must publish their Statement of Principles by 3rd January 2013

5 IMPLICATIONS

5.1 Financial Implications

- 5.1.1 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.

BACKGROUND DOCUMENTS

- Gambling Act 2005
- Gambling Act 2005 (Licensing Authorities Policy Statement) (England and Wales) Regulations 2006
- Guidance for Local Authorities, 3rd Edition (Gambling Commission, May 2009)

APPENDICES

- Appendix 1 - Stevenage Borough Council Draft Statement of Principles
- Appendix 2 - Table of comparison of changes to the draft Statement of Principles
- Appendix 3 - Template Statement of Principles (Updated by the LGA; June 2012)
- Appendix 4 - Guidance Notes to support Template Statement of Principles (Updated by the LGA; June 2012)