

REPORT OF THE CABINET TO COUNCIL: 19 November 2012

Chair: Councillor Claire Kober

Recommendation from Cabinet: Adoption of Revised Statement of Gambling Policy 2013 - 2016

The Council has reserved the right to exercise certain functions including the approval of the Statement of Gambling Policy. A list of all of the functions of Full Council is specified in Part 2 Article 4 of the Constitution.

The first Statement of Gambling Policy under the Gambling Act 2005 was published in December 2006. The Council is required to update this policy document every three years and this was last updated in December 2009.

This report recommends the adoption of the revised Statement of Gambling Policy, which was considered by Cabinet on 13 November 2012.

Background information

The Gambling Act 2005 brought in major reforms to the structure of the law on gambling in this country and placed considerable responsibilities on Local Authorities in their role as the appropriate 'Licensing Authorities'. Every Licensing Authority had to produce a policy statement with respect to gambling in their area and the Act stipulates that this should be reviewed at least every three years. The Council's first Statement of Gambling Policy was published in December 2006 and this was subsequently updated and re-published in December 2009.

The Act contains three licensing objectives that underpin the functions that both the Gambling Commission and Licensing Authorities will perform. These are:

- Preventing gambling from being a source of crime and 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

The Licensing Authority's revised Statement of Gambling Policy must demonstrate how these licensing objectives will be achieved and must also have regard to the guidance published by the Commission in 2012.

The Licensing Authority will continue to administer the following functions under the Act:

- Licence premises
- Consider notices for temporary use of premises for gambling
- Grant premises for gaming and gaming machines in clubs (and similar)
- Regulate gaming and gaming machines in alcohol licensed premises
- Grant permits to family entertainment centres for the use of certain lower stake gaming machines
- Grant permits for prize gaming

- Consider occasional use notices for betting at tracks
- Register small societies' lotteries

The Act also required the Licensing Authority to consult the following on the licensing policy statement or any subsequent revision:

- In England and Wales, the chief officer of Police for the Local Authority's area
- Persons carrying on gambling businesses in the authority
- 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 Act

The revised Statement of Gambling Policy 2013 – 2016 retains the vast majority of the current policy but has been updated to reflect practical changes that have arisen since its publication. The Guidance to Licensing Authorities is now in its 4th revision and the Gambling Act 2005 has also undergone a scrutiny review of how it has been administered since coming into effect in 2007. The issues identified have not affected Local Authorities and have largely been focussed on the operation of the Gambling Commission.

The revised policy addresses formatting changes and various other minor issues as listed below:

- Changed references and updates to gaming machines stakes and prizes and gaming machines allocations, where the Regulations have changed
- Correction of references to the licence condition and code of practice on primary gambling activity

Some small and specific matters of fact have been amended, to reference additional available material not integral to the Guidance; to provide updates on legislative change; or to clarify matters that have given rise to any degree of confusion in the previous edition of the Guidance.

- Addition of a reference to the range of statutory application forms and notices that licensing authorities are required by the legislation to use as part of their gambling licensing responsibilities.
- Reference to a document setting out the indicators that the Commission will use in assessing primary gambling activity in betting. These indicators are not brought into the Guidance but are referenced for information for licensing authorities.
- Additional explanation for the purposes of calculating permitted gaming machines in bingo premises, regarding how to categorise electronic bingo terminals (EBTs) according to whether or not they also hold gaming machine content.
- Reference to consideration of primary gambling activity in assessing applications for extended opening hours in bingo and betting is made.
- Reference to the Commission's indicators of primary gambling activity in betting premises is made.
- Clarity on the fact that there is nothing preventing any employment of under-18s on tracks betting premises. This is a new provision to the legislation.

- Definition of premises/ clarity on separate entrances- this makes clear that premises cannot be subdivided from within in order to be able to offer extra machines. Each premises will need to have its own recognised entrance off the street.
- Location/clarity on nuisance
- Planning matters clarified – no interface with Planning conditions or criteria
- Formatting changes and all reference to the transition period has been removed as this was only required when the Act first came into effect.
- Appendix 1 -Guidance on the various application processes

WE RECOMMEND:

That Full Council adopts the revised Statement of Gambling Policy 2013 – 2016, as set out at Appendix 1.