

REPORT

Subject : Statement of Gambling Policy

Report to : The Cabinet

Date : Wednesday 15 November 2006

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Cabinet Member for Environment and Transport : Councillor Dennis Brown

Purpose of Report:

The purpose of the report is to inform the Cabinet on the content of the revised Statement of Licensing Policy following completion of the consultation process and ask Cabinet to approve the policy.

1. Background:

The Gambling Act 2005 received Royal Assent in April 2005 and will be brought fully into force on 1st September 2007. The Act gives effect to the Government's proposals for reform of the law on gambling and contains a new regulatory system to govern the provision of all gambling and gaming, other than National Lottery and spread betting. The Act when fully implemented will replace; the Betting Gaming and Lotteries Acts 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976.

The Council will become the Licensing Authority and will have to apply the following principles when considering matters relating gambling. That they are:

In accordance with any relevant Code of Practice and guidance, and are reasonably consistent the following licensing objectives;

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

and are in accordance with the Licensing Authorities statement of policy.



Awarded in:
Housing Services
Waste and Recycling Services



The Licensing Sub Committee will become responsible for determining applications as outlined in the table of delegations of licensing functions (see Policy, Appendix C). The powers evolved down to the council by the Gambling Act 2005 will be similar to those evolved from the Licensing Act 2003.

2. Timescale for Implementation.

The consultation period for the draft statement of Licensing Policy ended on the 8 September 2006. The consultation involved written communication with all representatives of the responsible authorities and appropriate bodies, and advertisement on the council website and in the local press.

The Act requires the Full Council to approve the Councils Gambling Act Policy and does not provide for this function to be delegated (see Policy, Appendix C). The Policy went before the Planning and Economic Development Overview and Scrutiny Panel in September for comments. The panel resolved that they noted the draft Gambling Policy and requested officers to produce some clear guidance for Parish Councils, local businesses and the public on the act, which should be sent to all the parish clerks and displayed on the website. The final proposal will be set before the Full Council at its meeting on 11 December 2006.

3. Amendments to the Policy

The Council received two responses during the consultation process, one response from the British Beer and Pub Association and one from the Racecourse Association Limited (Appendix 2 and 3). The Racecourse Association made general comments in their response and did not specifically request any amendments.

The British Beer and Pub Association highlighted a concern that our policy did not provide clear guidance relating to permits for more than two machines in alcohol licenced premises. On investigation, officers identified a potential high workload for the Licensing Committee/Sub Committees should there be no standard policy in place. For example, there are currently 381 premises licensed within that category which could request more than two gaming machines. Research has revealed that other councils, are clearly defining the committee role by inclusion in the table of delegations of licensing functions. For clarity Appendix C has been amended under the heading of "Application for other permits". This would have the effect of ensuring every application for more than 4 machines goes before a council licensing committee or sub-committee.

In Appendix C, Fee Setting, the wording has been changed from Executive Council to Full Council, which indicates that Full Council can delegated the fee setting to officers. Members need to determine whether they will delegate this function.

The table under section A 4.0 on gaming machine categories has been amended following a new Statutory Instrument introducing a maximum prize limit of £35 for category C gaming machines.

In addition, a further 3 sections have been added to the table of delegations of licensing functions to bring the policy in line with LACORS guidance.

A disclaimer has been inserted at the end of the statement of licensing policy as recommended by LACORS.

4. Implementation of the Policy:

The Licensing Authority is scheduled under the Act to start accepting applications for premises licenses on the 30 April 2007. The Act requires the publication of the Council's

policy and statement of principles, 30 days prior to implementation and therefore the policy will to be published by 2 January 2007.

The need for training of Councillors and Officers has been recognised and it is anticipated that Environmental Services will liaise with Legal and Democratic Services Unit to identify the specific requirements and identify an appropriate means of meeting the training obligation.

5. Recommendations:

It is recommended that members review and agree the revised Statement of Licensing Policy.

6. Implications:

Financial: Cost of software expansion, administrative staff and enforcement to be funded from existing budgets. In addition there will also be a cost associated with the training of Members and Officers. If this cannot be met from existing budgets a growth bid will be required via the portfolio planning and budget setting process.

Legal The Council is required by section 349 of the Act to publish a draft statement of its gambling policy and before adopting it must consult with anyone who represents the interests of persons carrying on gambling businesses in the district and anyone who represents the interests of persons likely to be affected by the exercise of the Council's functions under the Act. The Policy will need to comply with the Act, take account of guidance issued by the Gambling Commission and give appropriate weight to the views of those consulted.

Human Rights	:	None
Personnel	:	None
Community Safety	:	None
Environmental	:	None
Core Values	:	Communicating
Information Technology	:	Enhancement of existing computer system
Wards affected	:	All