

Licensing Committee – 6 October 2009

6. Proposed Revision of Statement of Principles under the Gambling Act 2005

Executive Portfolio Holder: Ric Pallister (Health, Housing, Inclusion and Revenues & Benefits)
Assistant Director: Laurence Willis - Environment
Lead Officer: Julia Bradburn, Licensing Manager, Licensing
Contact Details: julia.bradburn@southsomerset.gov.uk or (01935 462113)

Purpose of the Report

To agree a Statement of Principles for publication in accordance with the requirements of the Gambling Act 2005.

Recommendation:

- 1) that the Committee agree the revised Statement of Principles under the Gambling Act 2005.
- 2) that a final Statement of Principles is submitted to full Council for consideration and approval.

Background

The Gambling Act 2005, which received Royal Assent on 7th April 2005, repealed the Betting, Gaming and Lotteries Act 1963, the Gaming Act 1968 and the Lotteries and Amusements Act 1976. The Act removed from licensing justices all responsibility for granting gaming and betting permissions and passed them to the Gambling Commission and Licensing Authorities. As a Licensing Authority, the Council have responsibility for the area of South Somerset.

The Act places a duty on the Licensing Authority to produce Statement of Principles. (This may also be referred to as the "Gambling Policy"). Licensing Authorities are required to review the policy document at least every three years. In renewing this document, the Licensing Authority is required to take account of the views of those representing the holders of existing licences and certificates, local residents and businesses, and the police.

Report Detail

The Licensing Authority must re-adopt a Statement of Principles by 01 January 2010.

The Gambling Act gives Licensing Authorities a number of important functions in relation to gambling. These functions include:

- licensing premises for gambling activities;
- considering notices given for the temporary use of premises for gambling;
- granting permits for gaming and gaming machines in clubs and miners' welfare institutes;
- regulating gaming and gaming machines in alcohol licensed premises;
- granting permits to family entertainment centres for the use of certain lower stake gaming machines;

- granting permits for prize gaming;
- considering occasional use notices for betting at tracks; and
- registering small societies' lotteries.

The Act created the Gambling Commission, who act as a unified regulator for gambling in Great Britain. The role of the Gambling Commissions is to:

- Issue Operating and Personal Licences to specified organisations and individuals
- Issue guidance and codes of practice
- Monitor licence holders and apply penalties where required
- Advise the Secretary of State on gambling matters.

In preparation for the implementation of the Gambling Act 2005, a statement of principles was developed for 31 January 2007, which was based on advice received from LACORS (Local Authorities Co-ordinators of Regulatory Services). Local Authorities are required to review the policy document at least every three years.

ISSUES

The revised draft statement of principles shown in the attached Appendix has been developed around the Statutory Guidance to Licensing Authorities issued by the Gambling Commission.

The Act does not allow gaming machine applications from premises to which children have free access. Paragraph **20.4** of the revised draft statement of principles provides a list of premises from which gaming machine applications will not be accepted.

The Council's statement of principles can be developed within existing resources. The implementation of the Gambling Act 2005 and associated legislation, guidance and codes of practice has added to the workload of the Council.

There are 113 premises in the South Somerset area that have either a premises licence, permit or notification; this figure includes public houses, betting shops, bingo halls, tracks and amusement arcades. There are also 217 small society lottery registrations in place.

CONSULTATION

The revised draft statement of principles is subject to extensive consultations prior to adoption by the Council. The bodies and persons who have been consulted are detailed at **paragraphs 1.3 and 1.4** in the draft Statement of Principles.

The Statutory Guidance to Licensing Authorities advises that the consultation process should follow best practice as set out by the Cabinet Office, and 12 weeks should be allowed for responses to the consultation. The consultation period ended on Tuesday 29 September 2009 and no consultation responses have been received.

Financial Implications

None

Implications for Corporate Priorities

Corporate Priority One - Increase economic vitality and prosperity

Corporate Priority Four - Ensure safe, sustainable and cohesive communities
Corporate Priority Five - Deliver well managed, cost effective services valued by our customers

Other Implications

None

Background Papers: *None*
