

Licensing Committee – 12<sup>th</sup> February 2013

## 5. Gambling Statement of Principles

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### Purpose of the Report

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

### Recommendations

- 1) That the Committee agree the revised Statement of Principles under the Gambling Act 2005 and the suggested amendments regarding points 2 and 5 made by the Racecourse Association.
- 2) That the Committee note points 1, 2 and 3 made by the Racecourse Association.
- 3) That the suggested amendment to point 4 made by the Racecourse Association is not made as secondary legislation takes precedence over any policies.
- 4) 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 7<sup>th</sup> April 2005, gave responsibility for issuing licences, permits and notifications under this Act 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 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 authorisations, local residents and businesses, and the police.

### Report Detail

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, whose role is to act as a unified regulator for gambling in Great Britain. The role of the Gambling Commission 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.

The draft Statement of Principles is based on advice received from LACORS (Local Authorities Co-ordinators of Regulatory Services) and is shown at Appendix 1. The current Statement of Principles is shown at Appendix 2.

In the South Somerset area there are currently 380 authorisations issued by the Council in place; the table below shows a breakdown of the different types.

Premises Licence	Club Permits	Alcohol Licensed Premises Permit	Alcohol Licensed Premises Notification	Small Society Lottery Registrations
11 x Book makers	20 x Club Machine Permits  (up to 3 Gaming Machines Categories B3A, B4, C or D)	8  (3 or more Category C or D gaming machines)	111  (Up to 2 Category C or D gaming machines)	227
1 x Track	1 x Club Gaming Permit			
1 x Bingo				

**CONSULTATION**

The revised draft Statement of Principles is subject to extensive consultations prior to adoption by the Council. It was advertised on our website and several bodies and persons were consulted; a list of consultees is detailed on page 4 of the draft Statement of Principles.

The consultation process took place over 12 weeks from 3 September to 26 November 2012, one response was received, which was from the Racecourse Association and would like the Council to be aware of the points it has made and suggested amendments:

1. **“Location (page 10) –** The proposed location of gambling premises may be taken into account when assessing the application. The Councils are asked to consider that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location.”

Whilst premises licences cannot be transferred, the Gambling Act 2005 does not preclude an application for a new site.

2. **“Door Supervisors (page 13)** - The Councils are asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles.”

This paragraph is generic in nature, and any conditions imposed by the Licensing Committee would be appropriate to the nature of the application. The word condition has been omitted from the last sentence of the first paragraph which should read ... “and is entitled to impose a premises licence condition to this effect”.

3. **“Betting machines (page 15)** - The Councils are asked to note that racecourses do not hold Operating Licenses and consequently any betting machines on racecourses will be provided by other operators. The racecourses will contractually require these operators to fulfil any conditions with regard to the provision and supervision of these machines.”
4. **“Applications and Plans (page 15)** – Prior to the implementation of the Gambling Act 2005 the Racecourse Association liaised closely with DCMS to determine the requirements with regard to applications and plans for racecourses. It was agreed that racecourses should provide plans showing the perimeter of the premises, the area to be licensed and the existing betting ring (as was in existence prior to 1 September 2007). However, on the basis that the entire premises would be licensed, it would not be necessary for racecourses to indicate on their plans the location of all betting facilities, as this would not be practical. It was agreed that this approach would also allow racecourses the flexibility to provide different facilities on different days in order to provide the best customer service, without the need to vary the license. We would ask that this paragraph be amended to reflect this agreement.”

A copy of the regulations relating to plans<sup>1</sup> is attached at Appendix 3. Please see regulations 4 and 21.

5. **“Provisional Statements (page 16)** - The wording of the fourth paragraph should be amended, as it currently implies that it will be necessary for tracks to hold an operating license from the Gambling Commission in order to apply for a provisional statement, rather than confirming that tracks do not require an operating license to apply for either a provisional statement or a premises license.”

The wording could be altered to remove the words “In contrast to the premises licence application” and “(except for a track)” to reflect this concern and read as follows:

The applicant does not have to hold or have applied for an operating licence from the Gambling Commission and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

No mention need be made that if the application is for a track premises licence, that the applicant does not require an operating licence as this is contained within Section 159 of the Gambling Act 2005 and a policy should not reproduce legislation.

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<sup>1</sup> Statutory Instrument No. 459 of 2007

**Financial Implications**

None: the Council's statement of principles can be developed within existing resources.

**Implications for Council Plan**

Focus One – Jobs. Strong economy which has low employment and thriving businesses  
Focus Four – Health & Communities. Licensed premises inspections  
Overall Council Ambition – To strive to deliver an improving life for all. Well managed.  
cost effective services valued by our residents.

**Other Implications**

None

**Background Papers:** *None*

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