

Licensing and Safety Committee

21st August 2006

Report of the Director of Law and Property

Gambling Policy Statement of Principles

Purpose of Report

- 1 To update the Committee in respect of the Draft Gambling Policy Statement of Principles.

Background

2. The Gambling Act 2005 creates a new system of licensing and regulation for commercial gambling. It vests in the Council new and extended responsibilities for licensing premises for gambling. In some instances, such as gaming machine arcades, building upon existing responsibilities. In other major areas, including betting, casino gaming and bingo, the legislation will transfer to the Council responsibilities, which currently are the responsibility of the Magistrates' Court.
3. The Act provides for three categories of licence:-
 - Operating Licence
 - Personal Licence
 - Premises Licence

The Council will be responsible for issuing Premises Licences and the Gambling Commission will be responsible for issuing Operating and Personal Licences.

4. There are three licensing objectives which are central to the regulatory regime created by the Act:

- 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.
5. The main functions for the Council under the Gambling Act 2005, are to:-
- Licence premises for gambling activities
 - Licence premises for gambling and gaming machines in clubs,
 - Grant Permits for gambling and gaming machines in clubs,
 - Regulate gaming and gaming machines in alcohol-licensed premises,
 - Grant permits to family entertainments centres for the use of certain low stake gaming machines,
 - Grant permits for prize gaming,
 - Consider notices for the temporary use of premises for gaming,
 - Consider occasional use notices for betting tracks,
 - Register small societies lotteries,
6. The new Act comes fully into force in September 2007. In preparation, the Council is required to develop, consult on and publish a statement of licensing Policy. The statement must set out principles, which the Authority proposes to apply in exercising its licensing functions under the Act. The Act also requires that a three month consultation process must be carried out before the Policy can be approved.
7. A list of consultees is attached to this report as appendix 1 and a copy of the Draft Gambling Policy Statement of Principles is attached as appendix 2 to this report.
8. At the conclusion of the consultation process in September, 2006 the draft Policy will be put before this Committee to consider approval of the Gambling Policy Statement of Principles and in turn be recommended to full Council for approval.

9. It is anticipated that full Council will consider the statement in November/December, 2006 and the Policy will be published on the 3rd January, 2007. The Council will then receive and process applications for licenses referred to in paragraph 5 of the Report from the 31st January 2007 onwards.
10. The Department of Culture, Media and Sport are expected to issue the Transitional Regulations during 2006, which will be reported verbally to the meeting if available.
11. This Report falls within the Council's recent responsibility for gambling licensing which has a direct link to the Council's key corporate priority that safety matters.

Finance

12. The financial implications of producing copies of the draft statements and the costs incurred during the consultation process will be met out of the Council's Licensing Budget.

The fees to be charged for the various Licenses have yet to be confirmed by the Government.

Law

13. The law relating to gambling is covered by the Gambling Act 2005 and Section 349 of the Gambling Act deals with the production, consultation and publishing of the statement of licensing principles.

Equality Impact

14. This report takes into account the Council's policy on equal opportunities.
15. This report takes into account the Council's policy on equality and diversity.
16. A Statement of Licensing Principles will impact equally on all racial groups.
17. A Statement of Licensing Principles will impact on children and young persons through their permitted attendance at certain categories of licensed premises.
18. There will be consultation and involvement of young people in developing this statement as part of the consultation process through the Area Committee and the Directorate of Children's Services.

Recommendation

19. That the Licensing and Safety Committee considers and comments upon the Draft Policy Statement of Principles attached to this report as appendix 1.

John Pym

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List of Background Papers