

Sandwell Metropolitan Borough Council

Report to Licensing Committee

8th October 2009

The Gambling Act 2005 – Review of Statement of Principles

1. Summary Statement

- 1.1 Section 349 of the Gambling Act 2005 (the Act) requires the Council as the Licensing Authority to prepare and publish its own Statement of Principles as to how it intends to carry out its licensing functions under the Act during the three year period to which the Statement applies.
- 1.2 The Council's first and current Statement of Principles was approved by Council on 12th December 2006 and took effect on 31st January 2007.
- 1.3 The Act requires the Council, in respect of each three year period, to determine its Principles with respect to the exercise of its licensing functions, and to publish a statement of those principles before the beginning of the period. In that respect, the second statement must be published no later than 14th January 2010.
- 1.4 Before determining its principles, the Act specifically requires the Licensing Authority to consult the following :
 - a) the chief officer of police;
 - b) persons representing the interests of those carrying on gambling businesses within Sandwell
 - c) persons representing the interests of persons likely to be affected by the exercise of the Council's functions under the Act
- 1.5 Under the Act new licences became live and took effect on 1st September 2007. The Act has worked extremely well in practice with all premises providing gambling facilities now fully licensed without the need for any Hearings by the Licensing Committee.
- 1.6 As a result, there are only minor changes proposed to the Council's current Statement of Principles, primarily in order to include changes necessary as a result of revised Statutory Guidance to Licensing Authorities published by The Gambling Commission in May 2006 and as a result of the consultation.

- 1.7 A six week consultation process took place between 7th August and 18th September this year, involving statutory bodies, trade organisations and other representatives of licence holders and permit holders, and representatives of those likely to be affected, specifically all ward Councillors and Members of Parliament.
- 1.8 The amended Statement of Principles was also presented to the Licensing Committee's Licensing Policy Review Group on 15th September 2009.
- 1.9 A small number of those consulted made written responses and these have been fully taken into account in addition to comments made by members of the Licensing Committee at the Policy Review Group meeting referred to in paragraph 1.8 above. A summary of the feedback on the consultation will be circulated to members at the meeting.
- 1.10 Under the provisions of Section 166 of the Gambling Act 2005, Licensing Authorities are able to pass a resolution stating it would not be issuing any new casino premises licences. A resolution not to issue casino premises licences would only affect new casinos and would not affect the ability of existing casinos from continuing to operate as a casino. The Act also states that in passing a resolution, an authority may have regard to any principle or matter any such resolution would lapse in three years time, but the authority at that time would have the ability to pass a new resolution. Council on 12th December 2006 resolved that new casino premises licences would not be issued and the "no casino" resolution was inserted into the first Statement of Principles.
- 1.11 The proposed Statement of Principles, showing the amendments, which have been made as a result of the review and consultation, is contained in Appendix 1.
- 1.12 A report will be made to the Cabinet Member for Safer Communities on 9th October 2009, to the Cabinet on 11th November 2009 and to Council on 1st December 2009.

2 Recommendation

- 2.1 That Council be recommended to pass a “no casino” resolution and that this be inserted into the second Statement of Principles.
- 2.2 That Council be recommended to approve and adopt the second Statement of Principles in order to ensure that the Council as the Licensing Authority, meets its legal duties and responsibilities under the Gambling Act 2005.

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3. Strategic Resource Implications

- 3.1 There are no direct strategic resource implications associated with the review, approval, and adoption of the “Statement of Principles” itself.

4. Legal and Statutory Implications

- 4.1 Under Section 349 of the Gambling Act 2005, the Council, as the Licensing Authority, must in respect of each three year period determine its policy with respect to the exercise of its licensing functions, and publish a statement of that policy before the beginning of the period.
- 4.2 By order of the Secretary of State the first appointed day for the purposes of the three year licensing policy is 31st January 2007.
- 4.3 Before determining its principles for a three year period, the Council must consult those referred to in paragraph 1.4 of this report.
- 4.4 During each three year period, the Council must keep its Statement of Principles under review and make such revisions to it, at such times, as it considers appropriate.
- 4.5 Where revisions are made, the Council must publish a statement of those revisions.

5. Implications for the Council’s Priorities

- 5.1 The licensing objectives set out in the Gambling Act 2005 are :
- (a) preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime ;
 - (b) ensuring that gambling is conducted in a fair and open way; and
 - (c) protecting children and other vulnerable persons from being harmed or exploited by gambling

6. Background Details

- 6.1 There are no further background details to add to this report.

Source Documents

Gambling Act 2005
Guidance issued by The Gambling Commission May 2009
Comments received as result of the consultation process