

Report to Licensing Committee

10 July 2015

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.
- 1.2 The Council's current Statement of Principles was approved by the full Council on 4th December 2012.
- 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 on the Council's web site before the beginning of the period. The current three year period therefore requires the authority to prepare and publish a policy statement by the 3rd January 2016, with it coming into force by the 31st January 2016.
- 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 anyone likely to be affected by the exercise of the Council's functions under the Act
- 1.5 The Act came into force on 1st September 2007.
- 1.6 The draft revised Statement of Licensing Policy (Gambling) attached at Appendix 1 contains the information that the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 have prescribed should be included in the Policy document.

- 1.7 In preparing this draft revised Policy document, regard has been had to the Commission's statutory guidance and the Regulations issued in order to assist licensing authorities in the preparation of their Policy statements..
- 1.8 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. The Council in December 2012 resolved that new casino premises licences would not be issued and the "no casino" resolution was inserted into the first Statement of Principles. It is proposed that the resolution is re-affirmed.
- 1.9 A six week consultation process will take place during July and August this year, involving statutory bodies, trade organisations, representatives of licence holders, and representatives of those likely to be affected, including all ward Councillors and Members of Parliament.
- 1.10 If there are any issues arising as a result of the consultation process a further report will be submitted to the Licensing Committee meeting on 4th September 2015.
- 1.11 The Statement of Principles will need to be approved by the full Council at its meeting on 20th October 2015.
- 1.12 The proposed Statement of Principles is contained in Appendix 1 to this report.

2 Recommendation

- 2.1 That in accordance with the Gambling Act 2005, and subject to any comments received as a result of the consultation process referred to in paragraph 1.4 of this report, Council be recommended to approve the revised Statement of Principles, as set out in Appendix 1, with effect from 31st January 2016.
- 2.2 That the Director – Homes and Communities submits a further report in relation to any issues arising as a result of the consultation process.

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3. Strategic Resource Implications

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 Act, 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 The authority must have regard to the Gambling Act 2005 (Licensing Authority Policy Statement)(England and Wales) Regulations 2006 and the Gambling Commissions Statutory Guidance.

- 4.3 The last statutory three year period began on 31st January 2013.
- 4.4 Before determining its principles for a three year period, the Council must consult those referred to in paragraph 1.4 of this report.
- 4.5 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.
- 4.6 Where revisions are made, the Council must publish a statement of those revisions.

5. Implications for the Scorecard Priorities

- 5.1 The licensing objectives set out in the Act 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
- 5.2 The licensing function under the Act specifically impacts on the following priorities
- i. Great Prospects – Investing in people, businesses and jobs: licensed gambling establishments provide a proportion of employment in the Borough and, as such, they play an important part in contributing to the Borough's economy.
 - ii. Great Place – the objectives of the Act help to maintain a safe and clean environment for those who wish to gamble at licensed premises within the Borough.

6. Background Details

- 6.1 The Act came into effect on 1st September 2007. The Act introduced a new regime for the licensing of premises and permits enabling the provision of gambling facilities.

- 6.2 Section 349 of the Act required each licensing authority to prepare and publish every three years, a statement of its principles, setting out how the authority intended to carry out its functions under the Act. Each authority is also required to keep its Statement of Principles under review during the three year period and to make any revisions it considers appropriate.
- 6.3 The Gambling Commissions revised guidance introduces some new concepts;
- The policy should be specific to the Licensing Authorities area
 - Local Area Profiles
 - Local Risk Assessments
- 6.4 The revised guidance now requires licensing authorities to have a more local focused policy which adequately reflect local concerns, risks and features of the gambling landscape – for example, demographics, socio-economic profile and what mix of gambling is provided or indeed desired.
- 6.5 In line with developing a more local focus for statements of licensing policy, and reflecting best practise Licensing Authorities are now recommended to develop Local Area Profiles which draw data about risk from a number of bodies, including responsible authorities such as the Safeguarding Board (or local equivalent) and the police.
- 6.6 Following revisions to *Licence conditions and codes of practice* (LCCP), operators with premises licences will have an obligation to produce a local risk assessment, which will assist Licensing Authorities when they are considering applications etc. (similar to the way an operating schedule under the Licensing Act 2003 provides information about the local premises).
- 6.7 The current Statement of Principles has proved to be entirely satisfactory since its adoption. The new proposed Principles set out in Appendix 1 have been amended to reflect revised Guidance to Licensing Authorities from the Gambling Commission.

Source Documents

Gambling Act 2005
Guidance issued by The Gambling Commission