

# Gloucester City Council

<b>Meeting:</b>	<b>Licensing &amp; Enforcement Committee Council</b>	<b>Date:</b> 15 <sup>th</sup> September 2015 19 <sup>th</sup> November 2015
<b>Subject:</b>	<b>Revised Statement of Principles - Gambling Act 2005</b>	
<b>Report Of:</b>	<b>Head of Public Protection</b>	
<b>Wards Affected:</b>	<b>All</b>	
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework: Yes</b>
<b>Contact Officer:</b>	<b>Darren Mountford, Senior Licensing &amp; Markets Officer</b> <b>Email: darren.mountford@gloucester.gov.uk Tel: 396240</b>	
<b>Appendices:</b>	<ol style="list-style-type: none"><li>1. Revised Statement of Principles</li><li>2. Response from Gloucester City Safe</li><li>3. Response from Coral Racing Limited</li><li>4. Response from Association of British Bookmakers</li><li>5. Response from Poppleston Allen on behalf of Power Leisure Bookmakers Limited</li></ol>	

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.1 To advise members of the outcome from the recent consultation exercise undertaken with stakeholders in relation to the 2016 – 2019 Gambling Act 2005 Statement of Principles and to seek formal approval and adoption by Council.

### 2.0 Recommendations

- 2.1 The Licensing and Enforcement Committee is asked to **APPROVE** the Statement of Principles and **RECOMMEND**

That:

- (1) The revised Statement of Principles – Gambling Act 2005, is approved and adopted by Council before it can advertise and publish it.

- 2.2 Council is asked to **RESOLVE**:

- (1) To adopt the Statement of Principles 2016-2019 – Gambling Act 2005 as set out in Appendix 1 and to authorise Head of Public Protection to publish and advertise it.

### **3.0 Background and Key Issues**

- 3.1 The Council is the Licensing Authority for the purposes of the Gambling Act 2005.
- 3.2 The Gambling Act 2005 sets out the regulatory system that govern the provisions of all gambling in Great Britain, other than the National Lottery. The Act requires us to prepare a Statement that we propose to apply in exercising our functions under the Act.
- 3.3 The Statement is a licensing policy which sets out the general approach we will take when carrying out our regulatory role under the Act.
- 3.4 As of September 2007, licensing authorities were granted powers to licence gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and club and minors welfare institutes. The Act also provides for a system of Temporary Use Notices. These authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for limited periods.
- 3.5 The Gambling Act contains three licensing objectives, which underpin the functions that the Gambling Commission and Gloucester City Council will perform. These Objectives are central to the regulatory regime created by the Act. They are:-
- Preventing gambling from being a source of Crime and Disorder.
  - Ensuring that gambling is conducted in a fair and open way and;
  - Protect children and other vulnerable persons from being harmed or exploited by gambling.
- 3.6 Section 349 of the Act requires Gloucester City Council to prepare and publish a Statement of Principles that it proposes to apply in exercising its functions under the Act. The statement is a licensing policy which sets out the general approach that will be taken when carrying out its regulatory duties under the Act. This should be kept under review and must be re-published every three years.
- 3.7 The current Statement of Principles is due to expire in December 2015 and a new Statement of Principles must be in place by 31<sup>st</sup> January 2016.
- 3.8 The Act provides that the Licensing Authority must consult with:-
- The Chief Officer of Police for the Authority's area
  - One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area, and
  - One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under this Act.
- 3.9 The Licensing and Enforcement Committee on 16<sup>th</sup> June 2015 approved the Draft Statement of Principles for the purposes of consultation. There were only minor amendments and additions to the Statement of Principles which included:-

- Movement of the Area Profile Map into the main document rather than it appearing as an appendix.
- Mention of Local Risk Assessments. This is in response to the Licence Conditions Codes of Practice from the Gambling Commission which is effective from April 2016.
- An appendix within the Statement of Principles has been added of the tables for maximum stake and maximum prize by category of machine.

3.10 The document has been subject to a 10 week consultation period which ended on Tuesday 25<sup>th</sup> August 2015.

3.11 On 17<sup>th</sup> June 2015 all consultees were written to and invited to make a written comment. In addition, the consultation was advertised on the Council's website with provision to respond.

3.12 During the consultation period four responses were received.

3.13 The first response was from Richard Burge, Gloucester City Safe Manager attached in Appendix 2 who asked the following:-

*I would like to see a condition included on all licences that Betting Shops and Adult Entertainment Venues should be members of City Safe. Quick Silver in Northgate Street were members before they closed and the staff felt they were much safer by having the radio and being part of the scheme. I have met the management of 2 Betting shops and one Adult Entertainment Centre in the City who are desperate to join City safe because of issues they get in the venues – but the Head Offices will not join as they do not want to pay the £365 a year fee. A condition on the Licence may overcome this and also give the venues more responsibility about dealing with disorder and community safety issues.*

3.14 Under the Gambling Act 2005 Premises Licences are subject to specific mandatory and default conditions. These are detailed in regulations issued by the Secretary of State.

3.15 With this in mind Gloucester City Council are unable to include the signing up to Gloucester City Safe as a condition. However, we can recommend that all Premise Licence holders issued under the Gambling Act 2005 sign up to Gloucester City Safe. Therefore, a paragraph about recommending sign up to Gloucester City Safe into the Statement of Principles is highlighted in grey on page 8 of the policy.

3.16 Gloucester City Council will work closely with Gloucester City Safe and liaise with head offices of Gambling Premises where problems occur within their licensed premises which undermines the Licensing Objectives by recommending the licensed premises sign up to Gloucester City Safe for the promotion of the Licensing Objectives.

3.17 The second response was from John Liddle, Director of Development, Coral Racing limited attached in appendix 3 who stated that he was happy with the document and did not recommend any changes.

- 3.18 The third response was from the Association of British Bookmakers attached in appendix 4 who state that they are supportive of the document as drafted, that it is both clear and proportionate and are not requesting any amendments to be made.
- 3.19 The fourth response was from Poppleston Allen on behalf of Power Leisure Bookmakers Limited attached in appendix 5. This seems to be a generic response and does not state that they would like any amendments made to the document.

#### **4.0 Asset Based Community Development (ABCD) Considerations**

There is a legal process within the terms of the Gambling Act 2005 we must follow. However, giving communities as much information about an application as we can by providing help and advice where it is needed should also be a consideration. We will engage with the Partnership and Engagement Team to develop an effective communication process.

#### **5.0 Reasons for Recommendations**

- 5.1 The Statement of Principles sets out how Gloucester City Council intends to administer its duties under the Gambling Act 2005.
- 5.2 To ensure that the Council complies with the Gambling Act 2005.

#### **6.0 Future Work and Conclusions**

- 6.1 The Council must publish its Statement of Principles at least 4 weeks prior to the date it is to come into effect. The effective date is 31<sup>st</sup> January 2016.
- 6.2 The Act requires that publication is to be:-
- On the Authority's website, and
  - For public inspection in one or more public libraries or other premises in the Council's area such as the Council's own offices.
- 6.3 The Council must also advertise the publication of the Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:-
- A local newspaper circulating in the area covered by the Statement.
  - A local newsletter, circular or similar document circulating in the area covered by the Statement.
  - A public notice board in or near the principal office of the Authority.
  - A public notice board on the premises of public libraries in the area covered by the Statement.
- 6.4 Due to the publication and advertising requirements the Council will need to approve and publish the Statement of Principles no later than 1<sup>st</sup> January 2016. Therefore, the revised Statement of Principles will need to be agreed by Full Council on 26<sup>th</sup> November 2015 as that is the last meeting of full Council before the 1<sup>st</sup> January 2016 deadline.

## **7.0 Financial Implications**

7.1 There are no financial implications associated with this report. We receive income through licence fees and this covers the cost of carrying out this function.

(Financial Services have been consulted in the preparation this report.)

## **8.0 Legal Implications**

8.1 The Act requires Gloucester City Council to prepare and approve a Statement of Principles to cover each 3 year period. The statement must contain the principles that the Council proposes to apply in exercising its function under the Act during the period.

8.2 Section 2 of the Act provides that the Council is the licensing authority for the purposes of the Gambling Act 2005. Section 157 of the Act provides that in relation to premises, the licensing authority in whose area the premises are situated is also a responsible authority. Therefore it is lawful and entirely proper for the licensing authority to carry out both of these roles.

8.3 Regulation 7 of the Gambling Act 2005, requires the Council to advertise and publish the statement for a period of four weeks before it takes effect.

8.4 If the Council approves the statement and advertises it for the required period prior to publication it will comply with its requirements as above.

(Legal Services have been consulted in the preparation this report.)

## **9.0 Risk & Opportunity Management Implications**

9.1 The risk management implications for this report are as follows:-

- Statement of Principles unfair, or too prescriptive.
- Revised Statement of Principles not published on time (on or by 1<sup>st</sup> January 2016)
- Consultation is inadequate.

## **10.0 People Impact Assessment (PIA):**

10.1 The screen stage considered risks to customers in the areas of gender, disability, age, ethnicity, religion, sexual orientation or community cohesion.

## **11.0 Other Corporate Implications**

### Community Safety

11.1 The Statement of Principles promote community safety because the Gambling Act 2005 Licensing Objectives prevent gambling from being a source of Crime and Disorder, being associated with Crime and Disorder or being used to support crime.

### Sustainability

11.2 None

Staffing & Trade Union

11.3 None

**Background Documents:**

Gambling Act 2005

Gambling Commission's guidance to Licensing Authorities (4<sup>th</sup> Edition)