

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Licensing and Regulatory Committee

26th June 2015

TITLE:	Gambling Act 2005 – Statement of Principles - Review
PORTFOLIO:	Cllr. A.S. Forrester – Deputy Leader and Portfolio Holder for the Environment
OFFICER:	Executive Director (Place)
WARDS:	ALL

1. **Reason for the Report:** To ensure that the requirements of the Gambling Act 2005 are met by the authority and to advise members of the proposed timescale for the revision and adoption of the Council's Statement of Principles.

2 **Recommendations**

2.1 That Members approve the consultation timetable located at paragraph 6.8 of the report as outlined;

2.2 That following the consultation period the Statement of Principles is brought back to the Licensing & Regulatory Committee in October 2015 to outline responses received and approve;

2.3 That the final Statement of Principles is presented to Full Council in December 2015 to approve as the Council's Statement of Principles in line with statutory requirements.

3 **Executive Summary**

3.1 Under the provisions of the Gambling Act 2005 Staffordshire Moorlands District Council is the licensing authority for the administration and enforcement in specified circumstances of 'gambling', defined as:

- Gaming;
- Betting; and
- Participating in a Lottery

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- 3.2 Section 349 of the Gambling Act 2005 requires that Staffordshire Moorlands District Council as licensing authority prepare and publish a statement of principles every three years. The District Council's Statement of Principles is due for renewal in January 2016. The statement will last for a three-year period but may be reviewed at any time prior to this by the authority.
- 3.3 It is a further requirement of the Act that the revised Policy must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined by the Act. Additionally the authority is empowered to consult with other organisations as is deemed appropriate.
- 3.4 The statement of principles is required to clearly place the promotion of the licensing objectives of the Act as central to its purpose. These are:
- Preventing gambling from being used as a source of crime or, being associated with crime and disorder or used to support crime;
 - Ensuring gambling is conducted in a fair and open way;
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.

The purpose of the policy is to give further clarity to the approach the authority will take in interpreting these requirements.

- 3.5 The statement must be produced in consultation with persons and bodies stipulated by the Act. These are:
- Chief Officer of Police for the authority's area;
 - Persons who appear to the authority to represent the interests of gambling businesses in the area;
 - Persons who appear likely to represent or have interests likely to be affected by the exercise of the authority's functions under the Act.

The list is deliberately wide and encourages authorities to undertake a comprehensive approach to consultation.

- 3.6 In determining its policy the authority must have regard to the guidance issued to accompany the Act, and give appropriate weight to representations made with regard to:
- Interest and expertise of person making the representation;
 - The motivation of those making representations;

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- How many people have expressed similar views;
- How far representations relate to matters that should be included in the policy.

3.7 In undertaking the consultation the authority is encouraged to use a variety of means to engage with interested parties. It is recommended that 12 weeks be allowed for the period of consultation and the relevant documents are provided on the authority's web site.

4 Options

4.1 There are no options to consider, the adoption of a Revised Statement of Principles in respect of each three-year period is a legal obligation placed on the Council.

4.2 The consultation process ensures that all affected persons and authorities have an opportunity to influence the policy. The persons and authorities that the Council will consult with before adopting the Policy are set out in paragraph 6.6 of the report.

5 Implications

5.1 Community Safety

The objectives of the Gambling Act seek to ensure that communities are protected from unfair trading, crime and disorder and that vulnerable people and children are not exploited in any way by gambling.

5.2 Workforce

None

5.3 Equalities and Diversity/Equality Impact Assessment

This report has been prepared in accordance with the Council's Equal Opportunities policy.

5.4 Financial Considerations

The majority of fees chargeable are fixed at national level with the remainder set by individual authorities, it is intended that maintenance of the service will be self-financing.

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5.5 Legal

The publishing of a statement of principles is a legal obligation of the Council.

5.6 Sustainability

None arise directly from this report

5.7 Internal and External Consultation

A twelve-week period of consultation will take place with both internal departments of the Council and outside organisations. The authority is required to consult with persons specified in the Act, These are detailed in section 6 of the report.

5.8 Risk Assessment

The Statement of Licensing Policy will be monitored during the three-year period and can be reviewed at any time if considered necessary and appropriate.

6 Background

6.1 The Gambling Act reorganised the way in which commercial gambling was licensed and regulated, and introduced a range of new controls over activities that were unregulated e.g. internet gambling, gambling via mobile phone.

6.2 The responsibility for regulatory activity has been split between local authorities and a new regulator called the Gambling Commission. The Commission issues the appropriate licences to gambling operators and individuals and issues guidance to local authorities as to how they should exercise their powers under the legislation. The Commission has powers to impose direct conditions on operators, develop codes of practice and investigate claims of illegal gambling or any breaches of the requirement of the legislation. Where it considers such action appropriate it will be able to suspend or revoke licences and issue unlimited financial penalties. Certain activities i.e. the National Lottery and spread betting remain separate from this regime and the responsibility of the National Lottery Commission and Financial Services Authority respectively.

6.3 Local Authorities – designated as licensing authorities – are responsible for issuing premises licenses to:

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- Casinos
- Betting Offices and Race Tracks
- Bingo Clubs
- Adult gaming facilities (for over 18s only)
- Family gaming facilities (where children are allowed)

The local authority also issue permits for gaming machines and for prize draws.

- 6.4 The Gambling Act also made it illegal to keep gaming machines for public use in certain venues e.g. taxis offices, fast food take-aways. These types of premises are able to provide a game of skill machine, but these do not require a licence from the local authority or the Gambling Commission.
- 6.5 In undertaking its responsibilities the local authority is required to have reference to guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act. The local authority is required to publish a statement of principles and renew it every three years and that is used to guide its actions under the legislation.
- 6.6 It is a further requirement of the Act that the revised Statement of Principles must be approved at a full meeting of the Council. Such approval cannot be granted until consultation has been undertaken with a range of statutory bodies defined in the Act. A list of these and other organisations that the authority is to consult with are detailed as follows:
- The Chief Constable, Staffordshire Constabulary;
 - Staffordshire Safeguarding Children Board;
 - Staffordshire County Council Social Services;
 - Staffordshire Fire & Rescue Service;
 - Staffordshire Youth Services;
 - Trade associations as appropriate;
 - British Beer & Pub Association;
 - Association of British Bookmakers;
 - Staffordshire Moorlands District Council elected Members;
 - All Parish and Town Councils in SMDC;
 - Leek Chamber of Trade;
 - All Town Centre Co-ordinators;
 - Neighbouring local authorities;
 - All Internal Departments of Staffordshire Moorlands District Council;
 - All persons who hold AGC and FEC permits in Staffordshire Moorlands;
 - Representatives of persons who hold Small Society Lottery Registrations in Staffordshire Moorlands;
 - All persons who hold Premises Licences under Gambling Act 2005 in SMDC.

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- 6.7 Comments received from those bodies consulted will be incorporated into the revised Policy.
- 6.8 The following timetable is proposed in respect of consultation, amendment and adoption of the Statement of Principles:

Reporting Process	Dates
Revised Statement of Principles Approved for Consultation by Licensing & Regulatory Committee	26 th June 2015
Revised Statement of Principles published and made available for consultation (12 weeks in line with best practice guidance)	10 th July 2015
12 week consultation period concludes	2 nd October 2015
Revised Statement of Principles Approved by Licensing & Regulatory Committee	16 th October 2015
Revised Statement of Principles Approved by Council	9 th December 2015
Revised Statement of Principles published week commencing	14 th December 2015
Statement of Principles commencement	7 th January 2016

- 6.9 The Licensing & Regulatory Committee will receive a revised Statement of Principles for consideration (following completion of the consultation process) in October 2015. Members will be requested at this time to make a recommendation to full Council for formal adoption of the Policy.

Dai Larner
Executive Director (Place)

Web Links and Background Papers

Gambling Act 2005
Current Statement of Principles
Guidance issued to accompany Act

Location

Regulatory Services –
Licensing, Moorlands
House, Leek

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