



Licensing Committee

No Specific Ward Relevance

2nd November 2009

GAMBLING ACT – REVISED STATEMENT OF GAMBLING PRINCIPLES.

(Report of the Head of the Head of Environment)

1. Summary of Proposals

To consider the adoption of the Revised Statement of Licensing Principles which has been produced and consulted on in accordance with Section 349 of the Gambling Act 2005.

2. Recommendations

The Committee is asked to **RECOMMEND** that

subject to the Committee's comments, the Council's revised Statement of Licensing Principles under the Gambling Act 2005, as amended, be adopted as Council Policy.

3. Financial, Legal, Policy Risk and Sustainability Implications

Financial

3.1 There are no direct financial implications to this report.

Legal

3.2 The Licensing Authority Statement of Policy will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The statement must be produced following consultation with those bodies and persons set out in subsection (3) of Section 349 of the Gambling Act 2005.

3.3 Regulations made by the Secretary of State, prescribe the form of statements, and the procedure to be followed in relation to them and their publication.

3.4 The regulations stipulate that the Licensing Authority must advertise their intention to publish a revised statement four weeks before it takes effect and make that statement available for viewing either on their website, principle office or library.

- 3.5 An order of the Secretary of State means that licensing authorities have to publish their second statement by 14th January 2010.

Policy

- 3.6 This proposal constitutes a revision to the current Statement of Gambling Principles.

Risk

- 3.7 There is a risk to the proper consideration of Gambling Act applications; if the Council does not process this matter in accordance with statutory obligations.

Sustainability / Environmental

- 3.8 None.

Report

4. Background

- 4.1 The Gambling Act 2005 (“the Act”) contains a regulatory system to govern the provision of all gambling in Great Britain other than the National Lottery and “spread betting” (see definition at the end of the report). It introduced a system, similar to that of the Licensing Act 2003, of regulation for premises for gambling through local Unitary and District Councils. Councils, as the “licensing authorities”, were also made responsible for Gaming Machine Permits and Small Lottery Registration. The Gambling Commission remained responsible for granting and enforcing operating and personal licenses.
- 4.2 Any appeal of the Council’s decisions in these matters are heard in the Magistrates’ Courts
- 4.3 Under Section 349 of the Act, each licensing authority is required to produce a Statement of Licensing Principles on which it has formally consulted with a number of interested parties as defined by the Act. The parties consulted on this revised Statement are shown in Appendix B to the policy document.

5. Key Issues

- 5.1 The revised Statement of Licensing Principles attached at Appendix 1 to this report was produced in consultation with neighbouring Authorities in Worcestershire, and all those listed in Appendix B of the policy document.

- 5.2 Consultation took place between July and September 2009 and Appendix 2 to this report shows the comments received during that consultation period on a countywide basis and lists the proposed responses to those comments.
- 5.3 The contents of the revised Statement of Licensing Principles, once formally adopted, must be the basis on which decisions are made under the Gambling Act 2005 by the Licensing Committee, its Sub-Committee or Officers. Any change subsequently made under the review must be fully consulted upon with a wide range of statutory consultees.
- 5.4 An order of the Secretary of State means that Licensing Authorities must publish their second statement by 14th January 2010.

6. **Other Implications**

- Asset Management - None
- Community Safety - One of the prime aims of licensing is to secure public safety.
- Human Resources - None
- Social Exclusion - Licensing requirements must be applied even-handedly, with no differentiation between would-be applicants for licenses.

7. **Lessons Learnt**

- 7.1 The Statement of Licensing Principles is a statutory requirement of the Gambling Act 2005; which has a requirement for it to be reviewed every three years whilst recognising that it is a live document which can be reviewed at any time if necessary. There have been no issues raised during the past three years that would necessitate any changes or alterations to the document. The changes that have been implemented during this review are a result of Lacors guidance

8. **Background Papers**

Gambling Act 2005
Gambling Commission Guidance;
Lacors Statement of Principles Template.

9. **Consultation**

- 9.1 This report has been prepared in consultation with relevant Borough Council Officers.
- 9.2 Consultation has taken place with relevant specialist groups; please see Appendix 2 document for further analysis.

10. **Author of Report**

The author of this report is Sue Garratt (Licensing Manager) who can be contacted on extension 3032 (email: sue.garratt@redditchbc.gov.uk) for more information.

11. **Appendices**

- Appendix 1 - Revised Statement of Licensing Principles.
- Appendix 2 - Consultation responses

12. **Definitions**

“Spread Betting”

The most sophisticated type of sports betting that enables more interesting bets to be placed on many events and contests such as a bet on the margin of victory.

Spread betting is a form of gambling on the outcome of any event where the more accurate the gamble, the more is won and conversely the less accurate the more is lost. A bet is made against a “spread” (or index), on whether the outcome will be above or below the spread. The amount won or lost depends on the level of the index at the end of the vent. The spread represents the index firm margin.