

Statement of Gambling Principles - Adoption

Licensing Committee

Date: 16th March 2015

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Wards: All
Locality Affected: All
Parishes Affected: All

1. Purpose and Reasons

- 1.1 To consider the representations received during consultation f on the draft Statement of Gambling Principles attached at Appendix 1, and to adopt the amended Statement as attached at Appendix 2.

2. Recommendations

That Committee:

- 2.1 Approves the adoption of the Revised Statement of Gambling Principles, and recommends it to Council for formal adoption; and
- 2.2 Agrees that the Head of Planning, Regulatory Services, Heritage and Libraries may, prior to adoption and in conjunction with the Chair of the Licensing Committee, make minor typographical changes to the document, if required.

3. Detail

- 3.1 The Gambling Act, 2005 ('the Act') came into effect on 1st September 2007. It created a new system of licensing and regulation for commercial gambling in Great Britain. Amongst other changes it gave Local Authorities new and extended responsibilities for licensing premises for gambling, some of which were transferred to Local Authorities from the local licensing justices.
- 3.2 The main functions given to Licensing Authorities under the Act are to;
- License premises for gambling activities
 - Consider notices given for the temporary use of premises for gambling
 - Grant permits for gaming and gaming machines in clubs and miners welfare institutes
 - Regulate gaming and gaming machines in alcohol licensed premises
 - Grant permits to family entertainment centres for the use of certain lower stake gaming machines
 - Grant permits for prize gaming
 - Consider occasional use notices for betting at tracks, and

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- Register small societies lotteries
- 3.3 Section 349 of the Act requires the Licensing Authority to prepare and publish a Statement of Principles that it proposes to apply in exercising the functions listed in paragraph 3.2 above.
- 3.4 At its meeting of 2th July 2014, the Licensing Committee considered a draft 'Statement of Gambling Principles' and resolved that it should be subject to public consultation for a period of 12 weeks.
- 3.5 During the consultation period, a range of consultees were invited to comment on the draft Statement, including community and Parish groups, those involved in running gambling establishments and those with statutory responsibilities for controlling the impact of gambling institutions. A notice was also published in the local media and an article appeared in the Members Bulletin.
- 3.6 Despite this, just 1 representation was received to the consultation, and is listed at Appendix 1. This representation stated broad support for the proposals.
- 3.7 The final 'Statement of Gambling Principles' is attached at Appendix 2. The Statement is based on the Local Authority Coordinators of Regulatory Services (LACORS) template, which takes full account of the Gambling Commission's Guidance.
- 3.8 The 'Statement of Gambling Principles' is based around the three Licensing Objectives: -
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling
- 3.9 The 'Statement of Gambling Principles' clarifies roles and responsibilities in respect of gambling and provides principles to be considered in respect of decision making on premises licences covering:
- adult gaming centres,
 - family entertainment centres
 - casinos,
 - bingo premises
 - betting premises

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- tracks

The Statement also covers permits for temporary or occasional use in both licenced and unlicensed premises including clubs.

- 3.9 The provisions of the Statement are reflected in the draft Statement of Licensing Policy, which is currently out to consultation, following approval by the Licensing Committee on 8th January.
- 3.10 If adopted the Statement of Gambling Principles will provide a sound basis for the consideration of applications for gambling licences, particularly when supported by the Statement of Licensing Policy. The protection of children from harm is a key licensing objective, which crosses into the safeguarding agenda. By having clear statements of policy in place the Council is ensuring that children are not exposed to gambling.

4. Alternative Options

- 4.1 The Licensing Committee could choose not to commend the adoption of the Statement of Gambling Principles to Council. However, this would leave us without the context in which to develop our Statement of Licensing Policy and would potentially leave Swindon vulnerable to the adverse impacts of gambling from unlicensed premises.

5. Implications, Diversity Impact Assessment and Risk Management

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report.

Legal and Human Rights Implications

- 5.2 The Secretary of State has confirmed that the Act is compatible with the European Convention on human rights.
- 5.3 The determination of the Statement of Gambling Principles is a statutory function that must be carried out by Swindon Borough Council following consultation. The arrangements associated with this process must be clearly followed and if they are not undertaken correctly may lead to judicial challenges.

All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

Diversity Impact Assessment

- 3.1 A DIA has been undertaken in respect of this report, and is available on request.

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4. Consultees

- 4.1 The Board Director for Finance, Revenues, benefits and Property (Section 151 Officer) and the Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

5. Background Papers

- 5.1 The Gambling Act, 2005
- 5.2 The Gambling Commissions Guidance to Licensing Authorities (4th Edition)

6. Appendices

- 6.1 Appendix 1: Representations made to the consultation on the draft Statement of Gambling Policies
- 6.2 Appendix 2: Statement of Gambling Policies for Adoption.

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Appendix 1

Representations made to the consultation on the draft Statement of Gambling Policies

Respondent	Summary Comment	Response
Wroughton Parish Council	Support.	Noted.