

REPORT TO COUNCIL

REPORT OF: Cllr John Smith- Healthy Environment

REPORT NO: CSL043

DATE: 7th November 2013

TITLE:	The Gambling Act 2005 – Review of the Statement of Principles (Gambling Policy)	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER:	Cllr John Smith- Healthy Environment	
CONTACT OFFICER:	Mark Jones, Community Safety and Licensing Service Manager Telephone: 01476 40 62 97 E-mail: m.jones@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and referred to in point 7	Full impact assessment Required: No
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Gambling Act 2005 http://www.legislation.gov.uk/ukpga/2005/19/contents The Gambling Commission Guidance (revised Sept 2012) http://www.gamblingcommission.gov.uk/pdf/GLA4%20September%202012%20(updated%20February%202013).pdf SKDC Statement of Principles adopted 9 December 2010 http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=4195&p=0 Equality Analysis http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=261&MId=2984&Ver=4	

1. RECOMMENDATIONS

- 1.1 That the Gambling Act 2005, Statement of Principles (as amended- 2014 and attached as Appendix A to report CSL043) be adopted as the Council's Gambling Policy, for implementation from 14th January 2014.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.1 To provide members with the background information in relation to the revision of the Statement of Principles and seek approval to adopt as per the recommendation above.

3. DETAILS OF REPORT

- 3.1 The Gambling Act 2005 removed from the Magistrates' Court all responsibility for granting gaming and betting permissions. The Act placed a shared responsibility for the regulation of gambling on the Gambling Commission and local authorities.
- 3.2 In brief, the function of the Gambling Commission is to regulate the operators of gambling premises and to issue codes of practice and guidance. The functions of the Council are to: licence premises for gambling activities; consider notices for temporary use of premises for gambling; grant permits for gaming and gaming machines in clubs; 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 register small societies lotteries.
- 3.3 In exercising their functions generally under the Act, Licensing Authorities must have regard to the Guidance issued by the Commission with respect to their licensees, including the power to impose conditions and to review licences.
- 3.4 The Act also includes a requirement for each council to publish, consult on and adopt a Statement of Principles (Gambling Policy) every three years, setting out its policy for administering and enforcing the Act. Before the Statement of Principles can be adopted, the Licensing Authority must consult with the Police, Fire Authority and persons representing people likely to be affected by the Statement of Principles.
- 3.5 In formulating the statement, the Authority must have regard to the Gambling Act, guidance issued by the Gambling Commission and the responses from those consulted on the Policy. The Statement, once adopted, will be the guiding principle for use by Members and officers when applying the Act.
- 3.6 The statement must be particular to the local authority area and be formulated to achieve the government's three core aims of:
- Preventing gambling from being a source of crime and disorder, being associated with crime and 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.
- 3.7 The current Statement of Principles was adopted by Council on the 9th December 2010. The policy has been fully reviewed this year and can be found at appendix A. This revision was based on, and in accordance with, the Gambling Commission's Guidance to Licensing Authorities 4th Edition (Sept 2012). The revised policy makes minor amendments in order to simplify the wording and to bring it in line with legislative changes and revised guidance from the Local Government Association and the Gambling Commission.

- 3.8 The Council must undergo a period of consultation on the draft Statement of Principles to establish local issues of concern and to address those concerns as far as appropriate within the statement.
- 3.9 The consultation period in relation to this review lasted for a period of six weeks and closed on 18 October 2013. The consultation was advertised on the South Kesteven District Council website and all responsible authorities and other interested parties were sent written notification of the consultation.
- 3.10 There was only one response during the consultation period that required a change to the document, this referred to clarification regarding a reference to the Chief Officer of Police para 3.11- page 6. This refers to the Chief Constable and not the Police and Crime Commissioner and has been clarified in the revised policy.

3.11 Timetable for implementation

- (a) Council to adopt the revised Statement of Principles- 7 November 2013
- (b) Revised Statement of Principles active- 14 Jan 2014

4. OTHER OPTIONS CONSIDERED

- 4.1 Statutory duty to have a Statement of Principles- No other options considered.

5. RESOURCE IMPLICATIONS

- 5.1 The cost of reviewing and implementing the proposed policy will be met within existing budgets.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

- 6.1 None

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

- 7.1 None identified

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None arising directly from this report, but the Act does require a licensing authority to carry out its functions so as to be reasonably consistent with the three licensing objectives, one being: Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are no specific financial comments to make in respect of this report

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 Under S349 of the Gambling Act 2005, the Council is required to publish a statement of principles. The statement has been reviewed in the light of guidance from the gambling commission. The Committee should consider the current statement of principles, how the new draft differs from the current and why those changes are required before deciding to adopt the principles within the Appendix to the report. The report details the consultation response and the statement has been amended accordingly.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

- 11.1 None

12. APPENDICES:

- Appendix A: Revised Statement of Principles