

MEETING:	Regulatory Committee
MEETING DATE:	12 September 2014
TITLE OF REPORT:	A revised 'statement of principles' (policy) under the Gambling Act 2005.
PORTFOLIO AREA:	Economy, Communities and Corporate Directorate
REPORT BY	Head of Trading Standards and Licensing

CLASSIFICATION: Open

Key Decision

This is a key decision because it is likely to be significant in terms of its effect on living or working in an area comprising of one or more wards in the county.

Wards Affected

Countywide

Purpose

To agree the draft statement of principles Gambling Act Policy for recommendation to Council.

Recommendation(s)

1. That the draft Gambling Act Policy Statement of Principles be approved for recommendation to Council.

Reasons for Recommendations

2. The revised policy statement 2014-2017 retains the vast majority of the current policy, but has been updated to reflect practical changes that have arisen since its publication, namely the definition of "premises" in the guidance and the machine entitlements for bingo premises and adult gaming centres.

Options

3. a) To reject the proposed amendments however, this would in effect mean that the policy was not in line with current legislative requirements.

Key Considerations

4. To approve the amended Policy and Consultation programme. This policy has had only very minor changes made to reflect legislative updates. This included the definition of "premises" in the guidance and the machine entitlements for bingo premises and adult gaming centres.

Introduction and Background

5. Section 349 of the Act requires all licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Gambling Act during the three-year period to which the policy applies.
6. The statement of principles will last a maximum of three years but can be reviewed and revised by the authority at any time.
7. This is the third Statement of Principles under the Gambling Act 2005, the first being approved in November 2006.
8. The Licensing Objectives under the Gambling Act 2005 are:
 - Preventing gambling being a source of crime or disorder
 - Ensuring that gambling is conducted in a fair and open way
 - Protecting children and the vulnerable from being harmed or exploited by gambling

Community Impact

9. By exercising the functions correctly in respect of the Gambling Act, an appropriate balance can be struck between the requirement to protect children & the vulnerable from being harmed and exploited, whilst supporting the needs of legitimate business and the local economy.

Equality and Human Rights

10. There are no equality or human rights issues in relation to the content of this report.

Legal Implications

11. The Gambling policy has been drafted to reflect current legislative requirements. All applications for licences and permits under the Gambling Act 2005 have to be made and determined in accordance with the legislation. However where discretion is allowed then the authority must consider the guidance issued to Licensing Authorities and their Statement of Principles in reaching their decision. Under the relevant legislation, the authority must have in place a relevant policy. Failure to do so would leave the authority in breach and open to challenge.

Risk Management

12. Failure to reach a decision could result in an application for Judicial Review being made.

Financial implications

13. The licensing section is required to operate the function on a full cost recovery basis. The fees for Gambling Act applications have not altered. A robust policy which is fit for purpose is essential if full cost recovery is to be maintained.

Consultation.

14. Consultation Strategy

The Gambling Act received royal assent in April 2005 and consolidates regulation of casinos, bingo, gaming machines, lotteries, betting and remote gambling into one Act.

The Gambling Act 2005 requires us to consult with various groups before we determine our policy, these include:-

- The Chief Officer of Police for West Mercia
- One or more persons who represent the interests of gambling businesses in Herefordshire
- One or more persons who appear to represent the interest of persons who are likely to be affected by the implementation of the Gambling Act in Herefordshire.

Above and beyond this, we intend to give the broadest range of people the opportunity to give us their views. We will therefore also include:

- The Responsible Authorities who are consulted on Gambling applications in Herefordshire (Planning, Environmental Health, Child Safeguarding Board, Fire and Rescue Service, HM Revenue and Customs, Gambling Commission)
- All ward Councillors of Herefordshire Council and all Local MPs

The consultation document will be published on the council website.

Consultation will also take place by:-

- Publishing Notices in the local press.
- Writing to all premises licensed under the Gambling Act 2005
- Local or National organisations identified as having an interest in gambling.
- Notifying Local members.
- Writing to local organisations acting on behalf of young people and children.

The responses will be collated and presented to council following the consultation process. If no responses are received members can agree the policy be implemented.

Summary of main changes in Policy

- 14 This policy has had only very minor changes made to reflect legislative updates. This includes the definition of “premises” in the guidance and the machine entitlements for bingo premises and adult gaming centres. The fees remain the same.

Appendices

Draft statement of principles

Background Papers

None.