

**TELFORD & WREKIN COUNCIL**

**LICENSING COMMITTEE – 18TH NOVEMBER 2009  
COUNCIL – 28TH JANUARY 2010**

**REVIEW OF GAMBLING ACT 2005 – STATEMENT OF LICENSING  
PRINCIPLES**

**REPORT OF: BUSINESS MANAGER - PUBLIC PROTECTION: ADULTS  
AND COMMUNITY WELL BEING**

**1. Purpose**

- 1.1 Following consultation, to present for approval a revised Statement of Principles for the Borough of Telford & Wrekin under the Gambling Act 2005.

**2. Recommendations**

That Council is recommended to approve a revised Statement of Licensing Principles for the Gambling Act 2005, to take effect from 31st January 2010 for the Borough of Telford & Wrekin.

**3. Summary**

- 3.1 The current Statement of Licensing Policy for the Gambling Act 2005 was written in 2006 and came into effect in January 2007. Such policy statements have to be reviewed every three years as a statutory requirement. This is the first review of the Telford & Wrekin Statement of Licensing Policy since it came into effect in 2007.
- 3.2 The first Statement of Licensing Policy issued by this Licensing Authority, came into effect on 31<sup>st</sup> January 2007. The revised Statement of Licensing Policy now referred to as a Statement of Principles and subject of this report, will need to be approved by Full Council and published on 3<sup>rd</sup> January 2010 to take effect from 31<sup>st</sup> January 2010.

**4. Previous Minutes**

- 4.1 LC-16 – Tuesday 30<sup>th</sup> June 2009

## **5 Information**

### **5.1 Background**

5.1.1 The Gambling Act 2005 requires Licensing Authorities to review their Statement of Principles every 3 years. The current policy document was written in 2006 and came into effect in January 2007. The first review is now due, with the revised statement of principles to come into effect on 31st January 2010.

5.1.2 The licensing objectives in the Act are:

- 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.

5.1.3 The draft review of the Statement of Principles has been prepared in the light of three years' experience and interpretation of the current policy which was written before the Gambling Act 2005 came into effect. As the Act was a completely new piece of legislation, this policy revision has also been informed by legal interpretation.

5.1.4 The Gambling Commission has also produced updated guidance twice since the original Statement of Principles was agreed. This new Statement of Principles takes account the amendments to their Guidance made by the Gambling Commission to date.

5.1.5 The Licensing Authority at Telford & Wrekin Council has received thirty applications for premises licences since the implementation of the Act. There have been no representations made to any applications submitted to the Council to date.

5.1.6 Under the Gambling Act, every application that attracts valid representations must be put before a Licensing Sub-Committee for consideration. Both applicant and those making representations have a right to address the Committee. Applications for the review of licences are also heard by a Licensing Sub-Committee.

5.1.7 In the event of premises giving rise for concern, interested parties or their representatives, are able to apply for a review of a licence, at any time, on the grounds that their concerns relate specifically to the licensing objectives.

5.1.8 Of the thirty premises licences issued by the Licensing Authority, twenty seven are currently in force. These are in the following categories:

<b>Betting shops (other than track)</b>	<b>18</b>
<b>Adult Gaming Centres</b>	<b>7</b>
<b>Bingo Halls</b>	<b>2</b>

Since the implementation of the Act, one Family Entertainment Centre Premises Licence has been surrendered and one Betting Premises Licence (other than a track) has been revoked by the Licensing Authority.

5.1.9 In terms of consultation, this review was carried out in accordance with the Cabinet Office Code of Practice over a 12 week period from 21<sup>st</sup> July 2009, responsible authorities are named under section 157 Gambling Act 2005 and Interested Parties are defined under section 158 of the Act as:

- Persons living close to the premise
- Persons with business interests that could be affected
- Persons representing those in the above categories.

5.1.10 The representatives of holders of existing licences, registered clubs and those who represent businesses, residents and community groups in the Borough have also been consulted. The revised Statement of Principles has also been made available at Council Offices and local libraries and a copy has also been posted on the Council's website similarly inviting representations. A full list of those consulted as part of the review of the Statement of Principles is listed at **Appendix A**, and the letter to consultees, response form and monitoring form are attached to this report at **Appendix B**.

5.1.11 **The revised Statement of Licensing Policy has taken account of representations made by the consultees.** Three responses were received in total. The table of responses is attached at **Appendix C** to illustrate conscientious consideration of the responses as per R v Devon County Council Ex parte Baker (1995) 1 All ER 73 and R v North & East Devon Health Authority Ex Parte Coughlan (2000) 2WLR 622, which laid down the basic requirements of consultation.

5.1.12 The revised Statement of Principles for consideration and approval is attached to this Report at **Appendix D**. The previous Statement of Policy is attached at **Appendix E**.

## **5.2 Equal Opportunities**

5.2.1 Equalities Impact Assessments have been carried out both pre and post consultation. Monitoring forms have been completed and collated so that the Licensing Authority is aware of the customer equality base

profile and can prove that no one group is disproportionately affected by the policy

As described in the revised Statement of Principles and as part of the consultation process, a wide range of organisations, bodies and individuals concerned with Gambling were approached or had the opportunity to make their views known in relation to the revised Statement.

- 5.2.2 The legislation is designed through the promotion of the licensing objectives to take account of the interests of local residents and businesses and the protection of children from harm in determining any application.

### **5.3 Environmental Impact**

- 5.3.1 Not applicable for the purposes of this report.

### **5.4 Legal Comment**

- 5.4.1 Section 349 of the Gambling Act 2005 requires a licensing authority before each successive period of 3 years to prepare and publish a statement of licensing principles that they propose to apply in exercising their functions under the Act during that period.

- 5.4.2 The current statement of licensing principles came into effect in January 2007. The first review is now due to enable the revised statement of principles to come into effect in January 2010.

### **5.5 Links with Corporate Priorities**

- 5.5.1 This report has links to the shared Vision of the Council and Telford & Wrekin Partnership for the community we serve which is that of a successful, prosperous and healthy community which offers a good quality of life for all the people of Telford & Wrekin. The Statement of Principles aims to assist licence holders in delivering their businesses without it being detrimental to the people who live in our community and therefore has links to the following community priorities :

- Maintaining a High Quality, Attractive and Sustainable Environment
- Giving Children & Young People the Best Possible Start in their lives
- Strengthening the Local Economy & the Skills of Local People
- Promoting Healthy Communities and Improving the Quality of Life of Vulnerable and Older People
- Creating a Safe, Strong and Cohesive Communities

- An Efficient, Effective and Customer-Focused Council that delivers Value-For-Money for the Community
- It links to Transforming Telford & Wrekin through the development of leisure and cultural facilities and the revitalising of the Borough's towns.

## **5.6 Financial Comment**

5.6.1 There are no financial implications arising from the revision of the statement. The service will continue to be delivered from within existing resources.

## **5.7 Risks and Opportunities**

5.7.1 In proposing the decision to be made concerning the review of the Statement of Principles under the Gambling Act 2005, the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However, not all risks can be managed all of the time and some risks may not have been identified.

5.7.2 The following key risks and opportunities associated with this decision is that a failure to publish the Statement of Principles by 31<sup>st</sup> January 2010 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (3<sup>rd</sup> edition) could give rise to challenge by way of judicial review. Having identified this risk, processes and procedures have been put in place to ensure that the review of the Statement of Principles is carried out in a manner and within a timescale that should minimise such a risk so far as possible.

## **6. Ward Implications**

6.1 Borough Wide Implications

## **7. Background Papers**

7.1 Gambling Act 2005

7.2 Guidance to Licensing Authorities (3<sup>rd</sup> Edition) issued by the Gambling Commission

7.3 Telford & Wrekin Statement of Licensing Principles.

7.4 Telford & Wrekin draft revision of Statement of Licensing Principles.

**Report prepared by: Licensing – Darby House. Tel: 01952 383260**

## **Appendices**

### **Appendix A: List of consultees**

#### **Statement of Licensing Principles – Gambling Act 2005** **Consultees List**

- Responsible Authorities as defined by section 157 Gambling Act 2005
- Association of British Bookmakers
- BACTA
- GamCare
- Samaritans
- Citizens Advice Bureau
- All alcohol premises licence holders under the Licensing Act 2003 within the Licensing Authority area
- Existing licence and permit holders under the Gaming Act 1968 within the Licensing Authority area
- Existing licence and permit holders under the Gambling Act 2005 within the Licensing Authority area
- Representatives of existing licence holders
- Safeguarding Children's Board
- Vulnerable Adults Board
- Lotteries Council
- Local residents and their representatives through the Council website.
- Town Library and Council produced publications
- Guru Nanak Darwar Sikh Temple, Oakengates
- Punjabi Cultural Society
- Place of worship and the teaching of the Quran, Tan Bank
- Regent Street Mosque
- Hadley Mosque
- New Testament Church of God, Ketley
- Black History Group
- Seventh Day Adventist Church
- Hadley Mens get together group
- The Pentecostal Church, Wellington
- Pakistani Welfare Association
- Shropshire Bangladeshi Welfare Association
- Telford Hindu Sabha
- Equal Project
- Telford West Indian Society
- South Telford Anti-Racist Committee
- Schools Multi Cultural Development Service
- Shropshire Greek School
- Telford Central Mosque
- UK Telford Chinese School

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- Chinese Christian Church
  - Telford Cultural and Leisure Centre
  - Visible Minorities Development Centre

- Asian Health Link Officer, Telford and Wrekin Primary Care trust.
- Sangat Parchar Sabha Community Organisation.
- Impact Alcohol Advisory Service, Wellington
- Telford African Welfare Association
- Age Concern, Telford Town Centre
- CARE, Telford
- CHEC Voluntary Organisation
- Children's Society, Telford
- Carer's Contact Centre, Leegomery
- Gamecare
- Listen and Care Group, Randlay
- MENCAP, Wellington
- Multiple Sclerosis Society, Wellington
- Salvation Army
- Telford and Wrekin Foster Care Association
- Wellington and District Cottage Care Centre Trust
- Young People's Support Scheme
- MIND, Telford
- Rural Stress Support Network
- Telford and Wrekin CVS
- Telford Christian Council
- Unicef, Telford
- Wellington YMCA
- Telford and Wrekin Senior Citizen's Forum
- RNIB
- RNID
- Scope
- Severn Hospice
- Sure Start Children's Centre
- Sutton Hill Family Project

## Appendix B: Consultation letter, Proforma and monitoring form

### Text of Consultation Letter

Dear Sir/Madam

#### **Re: Gambling Act 2005- Statement of Principles - Consultation**

Telford and Wrekin Council is consulting on the Statement of Principles issued under the Gambling Act 2005.

I write to inform you that the consultation commences on Tuesday 21 July 2009. You are invited to submit any comments you have in relation to the policy on the enclosed response form **by 5:00pm on Tuesday 13<sup>th</sup> October 2009.**

I enclose a response form and a monitoring form to be completed if you wish to comment on the changes.

The revised Statement of Principles is available on the Council's website at [www.telford.gov.uk](http://www.telford.gov.uk)  
Comments can also be made by e-mailing [consultationlicensing@telford.gov.uk](mailto:consultationlicensing@telford.gov.uk).

#### **English**

If you find the text in this document difficult to read we can supply it in a format better suited to your needs. Please ask someone who speaks English to contact the telephone number below.

#### **Panjabi**

ਜੇ ਤੁਹਾਨੂੰ ਇਸ ਦਸਤਾਵੇਜ਼ ਵਿਚਲਾ ਮਸ਼ੂਮ ਪੜ੍ਹਣ ਵਿਚ ਮੁਸ਼ਕਿਲ ਹੋ ਰਹੀ ਹੈ, ਤਾਂ ਅਸੀਂ ਇਸ ਨੂੰ ਤੁਹਾਡੀਆਂ ਲੋੜਾਂ ਅਨੁਸਾਰ ਬਿਹਤਰ ਢੁਕਵੇਂ ਰੂਪ ਵਿਚ ਸਪਲਾਈ ਕਰ ਸਕਦੇ ਹਾਂ। ਕਿਰਪਾ ਕਰਕੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਨੂੰ, ਜੋ ਅੰਗ੍ਰੇਜ਼ੀ ਬੋਲ ਸਕਦਾ ਹੈ, ਹੇਠਾਂ ਦਿੱਤੇ ਨੰਬਰ 'ਤੇ ਸੰਪਰਕ ਕਰਨ ਲਈ ਕਹੋ।

#### **Urdu**

اگر آپ کو اس دستاویز کا متن پڑھنے میں دشواری محسوس ہو تو ہم اسے ایسی شکل میں مہیا کر سکتے ہیں جو آپ کی ضرورتوں کے عین مطابق ہو۔ برائے مہربانی کسی انگریزی بولنے والے شخص سے درج ذیل ٹیلیفون نمبر پر رابطہ کرنے کے لئے کہیں۔

#### **Chinese**

如果您觉得这份文件中的内容不便阅读，我们可以提供更符合您需要的格式。  
请安排一位会说英语的人士拨打以下电话号码与我们联系。

#### **Polish**

Jeśli masz trudności z przeczytaniem tego dokumentu, możemy go dostarczyć w formacie, który będzie dla Ciebie łatwiejszy do odczytania. Aby go otrzymać, poproś znajomego, który mówi po angielsku, aby zadzwonił na poniższy numer:

- 01952 383268

I would like to thank you for taking time to participate in this consultation exercise and look forward to receiving your comments.

Yours faithfully



Licensing Officer

### Proforma Response Form

**GAMBLING ACT 2005 STATEMENT OF PRINCIPLES CONSULTATION**  
**RESPONSE FORM**

1	Name:	
2	Address:	
	E-mail:	
3	If replying on behalf of an Organisation or Association, please insert details and address:	
4	If you have any comments about the proposed Statement of Principles, please provide them below (Continue on a separate sheet, if necessary)	

**Please return this form to :** Licensing Operations Manager, Telford & Wrekin Council, PO Box 212, Darby House, Lawn Central, Telford. TF3 4LE  
or by e-mail [Consultationlicensing@telford.gov.uk](mailto:Consultationlicensing@telford.gov.uk) **no later than 5pm on Tuesday 13<sup>th</sup> October 2009.** Any responses will normally be made available to the public.



## Monitoring Form



**Telford & Wrekin**  
C O U N C I L

### Monitoring Form (Amended 2005 further to the Disability Discrimination Act 1995)

We would like to measure the effectiveness of this consultation, but to do so will need to collect information on people who submit responses.

It would assist us if you would please complete the details below and return the form to us with your consultation response.

Some of the information you give on this form may be considered sensitive personal data under the Data Protection legislation and by completing and returning this monitoring form, you will be deemed to be giving your explicit consent to the processing of the data for Equality Monitoring purposes.

### ***Please complete in BLOCK CAPITALS***

#### **FULL NAMES**

(including first name(s) and surname/family name)

#### **PREVIOUS NAME**

**PREFERRED TITLE** ..... If other please specify:

**DATE OF BIRTH**

#### **PLEASE TICK RELEVANT BOX**

**AGE:** 16-18  19-35  36-49  50-59  60-65  over 65

**GENDER:** Male  Female

#### **ETHNIC ORIGIN:**

##### **Asian or Asian British**

Indian

Pakistani

Bangladeshi

Any other Asian background

##### **Black or Black British**

Caribbean

African

Any other black background

##### **Mixed**

White & Black Caribbean

White & Black African

White & Asian

Any other mixed background

##### **White**

British

Irish

Any Other white background

#### *Other Ethnic Groups*

Chinese

#### **Disability:**

The Disability Discrimination Act, 1995 defines a person with a disability as someone who has "a physical or mental impairment which has a substantial and adverse, long term effect on his or her ability to carry out normal day-to-day activities".

Under this definition do you consider yourself to have a disability?

## Appendix C: Table of responses from consultation

Consultee/respondent	Paragraph referred to	Summary of consultation response	Comments, clarification, responses	Action taken on policy re-draft
<p>Siam Cottage – 6a Tontine Hill Ironbridge, Telford. TF8 7AL</p> <p><a href="mailto:info@thesiamcottage.co.uk">info@thesiamcottage.co.uk</a></p>	N/A	Felt that the Gambling Act was wrong and that the government should take further action.	Comments were unspecific as to actions required, and likely to relate to Central Government and be out of the control of this authority.	No action taken
<p>Helen Jones Nuffield Health Club Forge Retail Park Telford TF3 4AG</p>	N/A	No Comments	No Comments	No action taken
<p>Philip Gardner 25 Cowey Bury View Broseley Shropshire TF12 5AX</p> <p><a href="mailto:philipgardner@yahoo.co.uk">philipgardner@yahoo.co.uk</a></p>	N/A	Felt all seemed straight forward and self-explanatory for their requirements.	No proposals made	No action taken

**Appendix D: Revised Statement of Principles**  
**Appendix E: Current Statement of Policy**