

**Telford & Wrekin Council**

**Licensing Committee – 20th November 2012**

**Review of the Gambling Act 2005 – Statement of Licensing Principles**

**Report of: Service Delivery Manager Public Protection.**

**1. Purpose**

- 1.1 Following consultation, to present for information a revised Statement of Principles for the Borough of Telford & Wrekin under the Gambling Act 2005 before it is presented to Council on the 22<sup>nd</sup> November for adoption.

**2. Recommendations**

- 2.1 **That the** Statement of Licensing Principles for the Gambling Act 2005 for the Borough of Telford and Wrekin be recommended to Full Council for approval with an effective date of 31st January 2013.

**3. Summary**

- 3.1 The current Statement of Licensing Policy for the Gambling Act 2005 was written in 2009 and came into effect in January 2010. Such policy statements have to be reviewed every three years as a statutory requirement. This is the second review of the Telford & Wrekin Statement of Licensing Policy since it came into effect in 2007.
- 3.2 The first Statement of Licensing Policy, 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 2013 to take effect from 31<sup>st</sup> January 2013.

**4. Previous Minutes**

- 4.1 LC-82 – 18/11/2009

**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 came into effect in January 2010. The second review is now due, with the revised Statement of Principles to come into effect on 31st January 2013.

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 six years' experience and interpretation of the current policy which was written before the Gambling Act 2005 came into effect in 2007.

5.1.4 The Gambling Commission has also produced updated guidance 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 33 applications for premises licences since the implementation of the Act.

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. Members of the Licensing Committee, when making decisions, must have regard to the Act, the Guidance issued to Local Authorities by the Gambling Commission, and the Council's Statement of Licensing Principles.

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. Applications for the review of licences are heard by a Licensing Sub-Committee.

5.1.8 Of the 33 premises licences issued by the Licensing Authority, twenty six are currently in force. These are in the following categories:

<b>Betting shops (other than a track)</b>	<b>20</b>	
<b>Adult Gaming Centres</b>	<b>4</b>	
<b>Bingo Halls</b>		<b>2</b>

Since the implementation of the Act, one Family Entertainment Centre Premises Licence has been surrendered, 3 Betting Premises Licence (other than a track) have been surrendered and 3 Adult Gaming Centres have been surrendered.

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 23<sup>rd</sup> July to 15<sup>th</sup> October 2012. Responsible authorities are named under Section 157 Gambling Act 2005 and Interested Parties are defined under Section 158 of the Act as:

- Persons living sufficiently close to the premises to be likely to be affected by the authorised activities
- Persons having business interests that might be affected by the authorised activities
- 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 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 is 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. Five responses were received in total. The table of responses is attached at **Appendix C**. Members should note that Telford & Wrekin Council have received a letter addressed to the Leader of the Council from the National Casino Industry Forum. This letter has been sent to all Licensing Authorities by the National Casino Industry Forum as they are aware that Authorities are currently undertaking their statutory review of their Statement of Licensing Principles. A copy of the letter is attached as **Appendix D**. In response to the letter, members are advised that Telford & Wrekin Council has a 'No Casinos' Policy.

5.1.12 The revised Statement of Principles for consideration and approval is attached to this Report at **Appendix E**. After careful consideration of the responses, Telford & Wrekin Council is proposing to make no amendments to the current policy. Members should be advised that there have been minor changes made to the Statement of Principles to reflect updated Guidance issued to Local Authorities from the Gambling Commission. The minor changes are highlighted in the actual policy, but it is important to note that there is no substantive change to the policy.

5.1.13 The decision by Officers not to recommend changes to the Statement of Principles is a decision that is also mirrored by other neighbouring authorities.

## **5.2 Equal Opportunities**

5.2.1 A Community Impact Assessment has been carried out post consultation. **Attached at Appendix F**

5.2.2 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.

5.2.3 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 three years to publish a statement of principles that it proposes to apply when exercising its functions under the Act. The current Statement of Licensing Principles ends in January 2013. The Borough of Telford and Wrekin, as the Licensing Authority, have published a Statement of Licensing Principles that it proposes to apply when exercising its functions under the Act from 31 January 2013 and have consulted on the same.

5.4.2 The legal issues concerning this report are contained within the body of the Report.

## **5.5 Links with Corporate Priorities**

5.5.1 This report has links to:

1. Creating a safer community
- (b) Safeguard health and safety of the community

## **5.6 Financial Comment**

5.6.1 The minor changes made to the revised Statement of Principles under the Gambling Act 2005 have not given rise to any financial implications. Gambling license income totalled £30,427 in 2011/12. It is anticipated that a similar level of income will be received in 2012/13.  
MLB 01.11.12

## **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 2013 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (4<sup>th</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 (4thEdition) issued by the Gambling Commission
- 7.3 Telford & Wrekin Statement of Licensing Principles.
- 7.4 Telford & Wrekin draft revision of Statement of Licensing Principles.

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