

Telford & Wrekin Council

Licensing Committee – 9th June 2015

Review of Gambling Act 2005 – Statement of Licensing Principles

Report of: Service Delivery Manager Public Protection

1. Purpose

- 1.1 The Statement of Licensing Principles for the Gambling Act 2005 is due for its 3 yearly review. Members of the Licensing Committee will need to consider the revised Statement of Licensing Principles and to approve a twelve week consultation in respect of the same.

2. Recommendations

That the Licensing Committee agrees the amendments made to the Statement of Licensing Principles and approve a consultation with all relevant organisations beginning on 22nd June 2015 and ending on 14th September 2015.

3. Summary

- 3.1 The Gambling Act 2005 came into effect in January 2007. The current Statement of Licensing Principles was written in 2012. It is a statutory requirement to review the Statement of Licensing Principles every three years. This is the third review of the Telford & Wrekin Statement of Licensing Principles since it came into effect in 2007.
- 3.2 The first Statement of Licensing Principles issued by this Licensing Authority, came into effect on 31st January 2007. Following consultation and any amendments made as a result of the consultation the revised Statement of Licensing Principles will need to be approved by Full Council on 26th November 2015 and published on 3rd January 2016. The Statement of Licensing Principles will then take effect from 31st January 2016.

4. Previous Minutes

- 4.1 LC-16 30th June 2009
LC-18 20th November 2012

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 2013. The third review is now due, with the proposed revised Statement of Principles coming into effect on 31st January 2016.

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 Licensing Principles has been prepared in the light of nearly eight years' experience and also in light of the Council's Statement of Licensing Principles which was last reviewed three years ago.

5.1.4 The Gambling Commission is currently consulting on its updated Guidance to Local Authorities (5th Edition). This consultation will run until 22nd June 2015. The proposed revision to the Council's Statement of Principles will take into account the amendments to the Gambling Commission's Guidance.

5.1.5 The Licensing Authority at Telford & Wrekin Council has received 33 applications for premises licences since the implementation of the Act. However, to date, the number of licences issued under the Gambling Act has fallen to 24 premises. This is made up of:-

- *18 Betting Premises Licences*
- *3 Bingo Premises Licences*
- *3 Adult Gaming Centres*

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. To date, the Licensing Committee has only been required to determine one Betting Premises application.

5.1.7 In exercising its functions, the Licensing Committee will have regards to:-

- *Licence Conditions and Codes of Practice (LCCP)*
- *Gambling Commissions Guidance to Local Authorities (5th Edition)*
- *Four Licensing Objectives*
- *Statement of Licensing Principles published by the local authority*

5.1.8 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.

5.1.9 In terms of forthcoming consultation, the review will be carried out in accordance with the Cabinet Office Code of Practice which recommends a 12 week consultation. 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 will be consulted. The revised Statement of Principles will also be made available at Council Offices and local libraries and a copy will also be posted on the Council's website similarly inviting representations. A full list of those organisations to be consulted as part of the Review of the Statement of Principles are 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 Principles is attached at **Appendix C**. This document will see a number of key changes which include:-

- *The introduction of operators requiring a local risk assessment to accompany any new application or variation application.*
- *The introduction of 'Bet Watch Schemes' where appropriate.*
- *The requirement for gambling premises to notify the local licensing authority of any test-purchase results conducted by the Gambling Commission or their own organisation.*

5.2 Equal Opportunities

- 5.2.1 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 will be approached and given 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 vulnerable people from harm in determining any application.
- 5.2.3 Following the formal consultation, a Communities Impact Assessment will be carried out which will be included with the report when the review of the Statement of Licensing Principles goes back before Licensing Committee in October 2015.

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 publish a statement of Licensing Principles that it proposes to apply when exercising its functions under the Act. The current statement of Licensing Principles ends in January 2016. The Borough of Telford and Wrekin as the Licensing Authority will need to consult on the proposed Statement of Licensing Principles.
- 5.4.2 The legal issues concerning this report are contained in the body of the report.

TS 6 May 2015

5.5 Links with Corporate Priorities

- 5.5.1 This report has links to the following Corporate Priorities:
- protect and create jobs as a 'Business Supporting, Business Winning Council'
 - protect and support our vulnerable children and adults
 - ensure that neighbourhoods are safe, clean and well maintained
 - improve the health and wellbeing of our communities and address health inequalities

5.5 Financial Comment

5.5.1 There are no financial implications as a result of this report

5.6 Risks and Opportunities

5.6.1 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.

5.6.2 The following key risks and opportunities associated with this decision is that a failure to publish the Statement of Principles by 31st January 2016 and in a form that is too prescriptive or significantly deviates from Guidance issued to Licensing Authorities by the Gambling Commission (5th 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 (5th 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.

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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 Review of Statement of Principles Consultation

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

The consultation commences on Monday 22nd June 2015.

You are invited to submit any comments you have in relation to the policy **by 5:00pm on Monday 14th September 2015.**

The Statement of Principles is available on the Council's website at www.telford.gov.uk, in Darby House and Civic Offices Reception, and in local libraries. Comments can be made in respect of the review by writing, fax or by e-mailing to the details below:

Licensing,
Darby House,
Lawn Central,
Telford,
TF3 4JA
Fax; 01952 381993
Email; consultationlicensing@telford.gov.uk.

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

Yours faithfully

Carl Phillips
Licensing Technical Officer

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 ਮਸ਼ਮੂਨ ਪੜ੍ਹਨ ਵਿਚ ਮੁਸ਼ਕਿਲ ਹੋ ਰਹੀ ਹੈ, ਤਾਂ ਅਸੀਂ ਇਸ ਨੂੰ ਤੁਹਾਡੀਆਂ ਲੋੜਾਂ ਅਨੁਸਾਰ ਬਿਹਤਰ ਢੰਗ ਵਿਚ ਸਪਲਾਈ ਕਰ ਸਕਦੇ ਹਾਂ। ਕਿਰਪਾ ਕਰਕੇ ਕਿਸੇ ਅਜਿਹੇ ਵਿਅਕਤੀ ਨੂੰ, ਜੋ ਅੰਗਰੇਜ਼ੀ 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。

Please return this form to: Principal Licensing Officer, Telford & Wrekin Council, Darby House, Lawn Central, Telford, TF3 4JA

Or by e-mail Consultationlicensing@telford.gov.uk **no later than 5pm on 14th September 2015.** Any responses will normally be made available to the public.



Appendix C: Revised & Current Statement of Principles