

## ITEM NO 5

<b>DECISION-MAKER:</b>	LICENSING COMMITTEE		
<b>SUBJECT:</b>	TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY		
<b>DATE OF DECISION:</b>	26 NOVEMBER 2009		
<b>REPORT OF:</b>	SOLICITOR TO THE COUNCIL		
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<b>STATEMENT OF CONFIDENTIALITY</b>			
None			

### SUMMARY

Section 349 Gambling Act 2005 requires the City Council, as licensing authority, to prepare and publish a statement of principles that it proposes to apply in exercising its functions under the Act. The Council adopted its first policy in November 2006 with it coming into effect on 31st January 2007. Every three years at least it must review the policy. The implementation of the new licensing regime has been low key and has not caused any significant problems that warrant changes to the Council's overarching policy.

A consultation draft is attached at Appendix A for Members' consideration as approved by Council for consultation purposes at its' meeting held on 16<sup>th</sup> September, 2009. The draft SLP includes relevant minor amendments as a result of revisions of Government statutory guidance, minor changes in the introduction but nothing more. The Act and Regulations made there under are extensive and prescriptive in relation to the content and form of the Statement.

### RECOMMENDATIONS:

- (i) To consider the City Council's consultation draft Statement of Licensing Principles as approved by Council for consultation purposes and provide any comment or observation as a consultee by way of a consultation response for inclusion in the final draft for adoption in January 2010.

### REASONS FOR REPORT RECOMMENDATIONS

1. The Council has a statutory obligation to adopt a Statement of Licensing Principles and administration of all matters under the Act

### CONSULTATION

2. The City Council intends to undertake extensive consultation on the draft SLP in accordance with the Act and Regulations as well as the Council's own consultation requirements. The current draft SLP will also be available on the Council's website.

Additionally to the report to this Committee, a full report has been placed before the Council's Local Safeguarding Children's Board (LSCB).

### ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. Not applicable

## **DETAIL**

4. Section 349 of the Act requires each licensing authority to prepare and publish a statement of principles that they propose to apply in exercising their functions under the Act.
5. The main functions of licensing authorities under the Act are as follows: -
  - Licensing premises for gambling activities
  - Considering notices given for the temporary use of premises for gambling
  - Granting permits for gaming and gaming machines in clubs and miners' welfare institutes
  - Regulating gaming and gaming machines in alcohol licensed premises
  - Granting permits to family entertainment centres for the use of certain lower stake gaming machines
  - Granting permits for prize gaming
  - Considering occasional use notices for betting at tracks
  - Registering small societies' lotteries
6. The Act provides for 3 categories of licence:-
  - (1) Operating licences;
  - (2) Personal licences; and
  - (3) Premises Licences
7. The Gambling Commission issues operating licences and personal licences, and licensing authorities will issue premises licences.
8. The Gambling Commission issued revised detailed guidance to licensing authorities in May 2009 on the manner in which they are to exercise their functions under the Act, and in particular, the principles they should apply in exercising their functions. The vast majority of the SLP is prescriptive or flows from statutory guidance which is expected to be included in the document unless there is very good reason not to do so. The Council has also had the benefit of Leading Counsel's opinion on the draft SLP in order to ensure it meets all statutory requirements.

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

9. None

### **Revenue**

10. None

### **Property**

11. None

**Other**

12. None

**LEGAL IMPLICATIONS**

**Statutory power to undertake proposals in the report:**

13. S.349 Gambling Act 2005

**Other Legal Implications:**

14. The Statement of Licensing Principles set out the factors which the Licensing Authority shall take into account, along with relevant statutory guidance, the Gambling Act 2005 and Regulations made thereunder when performing its Licensing functions. It is important to note and reiterate that the Licensing Authority is unable to consider issues relating to morality or demand when determining premises licence applications.

**POLICY FRAMEWORK IMPLICATIONS**

15. The Gambling Act policy is one of the policy framework documents that is required to be considered and adopted by full Council on at least a triennial basis

**SUPPORTING DOCUMENTATION**

**Non-confidential appendices are in the Members’ Rooms and can be accessed on-line**

**Appendices**

1.	Appendix A, - Southampton City Council’s Revised Draft Statement of Licensing Principles
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**Documents In Members’ Rooms**

1.	None
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**Background Documents**

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
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1.	Gambling Commission – Guidance to Licensing Authorities May 2009	
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<b>Background documents available for inspection at:</b>	Gambling Commission website
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<b>FORWARD PLAN No:</b>	N/a	<b>KEY DECISION?</b>	N/a
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<b>WARDS/COMMUNITIES AFFECTED:</b>	All
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