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| DECISION-MAKER: | COUNCIL | | |
| SUBJECT: | TRIENNIAL REVIEW OF GAMBLING ACT 2005 POLICY | | |
| DATE OF DECISION: | 14 NOVEMBER 2012 | | |
| REPORT OF: | HEAD OF LEGAL, HR AND DEMOCRATIC SERVICES | | |
| AUTHOR: | Name: | RICHARD IVORY | Tel: 023 8083 2794 |
| | E-mail: | Richard.ivory@southampton.gov.uk | |
| STATEMENT OF CONFIDENTIALITY | | | |
| 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. Currently, 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.

The latest consultation draft approved by Council on 13th September 2012 is currently out to consultation and the final draft version will be sent to members before the Council meeting with the most up to date revisions. The draft policy (SLP) includes minor amendments as a result of revisions of Government statutory guidance and minor changes in the introduction but most significantly, includes detailed provisions relating to a potential Large Casino. It includes consultation responses that officers consider worthy of inclusion. The Act and Regulations made thereunder are extensive and prescriptive in relation to the content and form of the Statement.

RECOMMENDATIONS:

- (i) That Council adopts the draft revised Gambling Act policy.

REASONS FOR REPORT RECOMMENDATIONS

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

CONSULTATION

2. The City Council has undertaken an extensive consultation on the draft SLP attached at Appendix 1 in accordance with the Act and Regulations as well as the Council's own consultation requirements.
3. The Licensing Committee considered the matter on 5th November 2012 and is happy with the draft as it stands, save that it recommends the full Licensing Committee hears any applications for a large casino rather than the sub committee (paras 15.65, 15.67 and 15.68). Any further representations from the public or trade bodies will be reported orally to Council. The Local Safeguarding Children's Board (LSCB) through the Safeguarding team has also been specifically consulted.

4. Responses from the trade or public are anticipated before full Council. These will be tabled in an updated appendix together with officer's responses. Should any last minute representations be received subsequently they will be reported to the meeting orally.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

5. Not applicable

DETAIL

6. 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.
7. 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.
8. The Act provides for 3 categories of licence:-
 - (1) Operating licences;
 - (2) Personal licences; and
 - (3) Premises Licences.
9. The Gambling Commission issues operating licences and personal licences, and licensing authorities will issue premises licences.
10. In September 2012, the Gambling Commission issued revised detailed guidance to licensing authorities 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

11. None.

Revenue

12. None.

Property

13. None.

Other

14. None

LEGAL IMPLICATIONS

Statutory power to undertake proposals in the report:

15. S.349 Gambling Act 2005

Other Legal Implications:

16. 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

17. The Gambling Act policy is one of the policy framework documents that is currently 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

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|----|---|
| 1. | Southampton City Council’s Consultation Draft Statement of Licensing Principles |
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Documents In Members’ Rooms

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| 1. | None |
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Background Documents

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| 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 September 2012 |
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Background documents available for inspection at: Gambling Commission website

KEY DECISION? n/a

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| WARDS/COMMUNITIES AFFECTED: | All |
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