



Report to:	Full Council
Date of Meeting:	29 June 2006
Report from:	Acting Team Leader (Environmental Health)
Title of Report:	Draft Gambling Act 2005 Statement of Principles
Agenda Item Number:	12

1. PURPOSE AND SUMMARY

- 1.1 The purpose of this report is to request Members to consider a draft statement of principles developed to implement the requirements of the Gambling Act 2005 (attached as Appendix A), and formally adopt a version suitable for public consultation.

2. CONSULTATION

- 2.1 Consultation was undertaken with both the Head of Legal and Democratic Services, (their comments are contained in paragraph 4.2) and the Improvement and Recovery Programme Manager regarding the diversity implications. The statement of principles was considered by a Special Statutory Licensing Committee on 13 June 2006.

3. CORPORATE PLAN AND PRIORITIES

- 3.1 This report arises as a function of the Gambling Act 2005 (the Act). The Act transfers the responsibility for the regulation of gambling activities partly to local authorities and introduces three licensing objectives including the prevention of crime and disorder and protection of children from harm.
- 3.2 Although not specifically a Council priority, gambling itself may impact significantly upon parts of the Community Strategy. The statement of principles, in promoting the licensing objectives will support and promote Community Strategy objectives 7.5 (to create safer towns and villages) and 9.2 (to improve the health and wellbeing of young people).

4. IMPLICATIONS

4.1 Financial

4.1.1 The full financial impact of the Act is still unknown as the fee structure for licence applications is undecided. It is understood that the proposed fee structure will be the subject of public consultation and will be issued in December 2006 as a Statutory Instrument issued under the Act.

4.1.2 A costing exercise was undertaken as part of a Department for Culture Media and Sport survey. This indicated that costings in the first year (including start up costs) would be in the region of £8000.

4.1.3 A sum of £8000 has been allocated by CMT from the Council's venture fund in order to assist with the implementation of the Act. This money must be repaid within three years from income generated by the Act. A further bid for funding may be required. However, a decision on this will be delayed until the details of the fee structure are known.

4.1.4 The cost of producing and distributing the draft statement of principles will be met from existing budgets.

4.2 Legal

4.2.1 Section 349 of the Act requires licensing authorities to prepare and publish a statement of the principles that they propose to apply in exercising their functions under the Act.

4.2.2 Regulations made under Act require licensing authorities to have this statement of principals in place by December 2006. Therefore, in order to meet this deadline, a number of key Council and Committee dates will need to be met. These dates are illustrated in Appendix B.

4.3 Personnel

4.3.1 It is likely that extra manpower will be required both during the development of the statement of principles / implementation phase and in processing the expected applications. One existing temporary Licensing Administrator, (appointed to assist with the implementation of the Licensing Act 2003) has been retained, initially until December 2006.

4.4 Other Services

4.4.1 The adoption of a suitable statement of principals will require a significant input from the Head of Legal and Democratic Services. Further to this known workload, there is the potential for a significant additional workload should any applications need to be determined by hearings.

4.5 Diversity

4.5.1 Consultation on the diversity aspects of the statement of principles was undertaken with the Improvement and Recovery Team Manager. Their

comments are incorporated into the statement of principles. The statement of principles also has a specific section on diversity.

4.6 Risk Implications

4.6.1 The statement of principles itself will form a framework in which decisions under the Act will be made. A statement of principles which is not robust enough may fail to properly promote the licensing objectives laid out in the Act, conversely, an over prescriptive or too stringent statement of principles may lead to appeals or judicial review.

4.6.2 A failure to adopt a statement of principles by December 2006 could lead to severe problems in the implementation of the Act, particularly the processing and determination of applications.

4.7 Crime and Disorder

4.7.1 The crime and disorder implications are contained within this report.

4.8 Other Implications

4.8.1 There are no other implications arising from this report.

5. BACKGROUND, POSITION STATEMENT AND OPTION APPRAISAL

5.1 The Gambling Act 2005 received Royal Assent on 7 April 2005. In exercising their functions under the Gambling Act 2005 (the Act), licensing authorities must have regard to the licensing objectives as set out in Section 1 of the Act. The licensing objectives 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

5.2 The Act implements a wholesale change in how gambling is licensed in Great Britain, bringing with it new responsibilities for licensing authorities. Prior to the Act, gambling was regulated by a number of different pieces of legislation under the overall control of the Gaming Board for Great Britain. The Gaming Board was replaced in October 2005 by the Gambling Commission. The Commission will issue personal and operating licences and ensure compliance with these and the associated codes of practice. It will investigate and prosecute illegal gambling providers and give guidance to licensing authorities on how they should carry out their functions under the Act.

5.3 As a Licensing Authority the Council will be responsible for:

- issuing premises licences, these in combination with a personal and operating licence (issued by the Gambling Commission), allow for gambling at premises such as casinos, adult entertainment centres (premises which operate high value gaming machines), betting shops and bingo halls

- issue permits for gaming machines in members clubs', licensed premises, prize gaming and unlicensed family entertainment centres (premises which operate low value gaming machines suitable for children)
 - endorse Temporary Use Notices (for short term small scale gambling activities analogous with temporary event notices under the Licensing Act 2003)
 - issue Provisional Statements, these are an agreement in principle that a premises licence will be issued subject upon completion of an agreed schedule of work at a particular premises or proposed premises
- 5.4 In general the licensing authority which issues the premises licence or permit will be responsible for monitoring it and taking any appropriate enforcement action.
- 5.5 Licensing Committee considered an initial draft in May 2006 and a final draft on 13 June 2006. Once a final draft statement of principles is agreed by Full Council, the Authority is required to carry out a formal three month public consultation process in line with Cabinet Office guidance. A list of proposed consultees is contained in the statement of principals at pages four and five.
- 5.6 Following the consultation process, any comments received will be considered by the Statutory Licensing Committee and it is anticipated a final statement of principles will be put before Full Council in the autumn.

6. RECOMMENDATIONS

- 6.1 Members are asked to consider the draft statement of principles and agree on a version suitable for the public consultation process.

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Version 1.0
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