

WYRE FOREST DISTRICT COUNCIL

CABINET MEETING
23rd NOVEMBER 2006

Gambling Act 2005 – Statement of Principles

OPEN	
COMMUNITY STRATEGY THEME:	Improved Health and Wellbeing
CORPORATE PLAN THEME:	Enabling Community Wellbeing
KEY PRIORITY:	Gambling Statement of Principles
CABINET MEMBER:	Councillor Anne Hingley
HEAD OF SERVICE	Mike Parker Head of Planning Health and Environment Division
CONTACT OFFICER:	Brian Kent – Ext. 2593 Brian.Kent@wyreforestdc.gov.uk
APPENDICES	Appendix 1 - Statement of Principles Draft 1 Appendix 2 - Summary of Consultation Responses. Appendix 3 – Response Proformas Appendix 4 - Statement of Principles Draft 2 The appendices to this report are available electronically and in the Members Lounge. Public inspection copies are available on request.

1. PURPOSE OF REPORT

- 1.1 To receive a report on the Gambling Act 2005 – Gambling Policy (Statement of Principles)

2. RECOMMENDATION

The Cabinet is asked to RECOMMEND to Council:

The Draft 2 Gambling Policy (Statement of Principles), as detailed in Appendix 4 of the report, be approved

3. BACKGROUND

- 3.1 The Gambling Act 2005 gives effect to the Government's proposals for reform of the law of gambling. The Act contains a new regulatory system to govern the provisions of all gambling in Great Britain, other than the National Lottery and spread betting. It received the Royal Assent on 7th April 2005.

- 3.2 The Act removes from the licensing justices all responsibilities for granting gaming and betting permissions, which they exercised previously. Instead the Gambling Commission and Licensing Authorities will share between them responsibility for all matters previously regulated by the Licensing Justices.
- 3.3 From 2007 Licensing Authorities will have new powers to license gambling premises within their area as well as undertaking functions in relation to lower stake gaming machines and clubs and miners' welfare institutes. The Act also provides for a new system of temporary use notices. These will authorise premises that are not licensed generally for gambling purposes to be used for certain types of gambling for limited periods.

4. LICENSING OBJECTIVES

- 4.1 The Gambling Act contains three licensing objectives, which underpin the function that the Commission and Licensing Authorities will perform. These objectives are central to the new regulatory regime created by the Act. They are:
- Preventing gambling from being a source of crime and disorder, being associated with crime or disorder, or being used to support crime
 - Ensuring that gambling is conducted in a fair and open way and
 - Protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 4.2 The Licensing Authority is required to prepare every three years a statement of gambling policy, which it proposes to apply, and must publish the statement.
- 4.3 In compliance with the Act a Draft Policy (Statement of Principles) was prepared and circulated as part of the formal consultation process (*Appendix 1*)
- 4.4 The Statement has been used as the basis of similar documents across Herefordshire and Worcestershire to improve consistency.
- 4.5 The consultation period ended on 4th October 2006 and a summary of the consultation responses is attached to this report (*Appendix 2*)
- 4.6 The response proformas are attached (*Appendix 3*)
- 4.7 As a result of these responses a number of changes have been made to the Draft Statement and a final draft is attached (*Appendix 4*)

5. FINANCIAL IMPLICATIONS

- 5.1 The process of adopting the legislation, and administering the licensing process, will be undertaken within existing resources of the Licensing Section, in conjunction with Legal and Democratic Services.
- 5.2 Estimated costs of the service for the administration of each application have been budgeted for in 2007/8 as being comparable with the Licensing Act 2003.

- 5.3 Application Fees for Premises Licences will be set by this Authority within “bands” set by Government.

6. LEGAL AND POLICY IMPLICATIONS

- 6.1 The Gambling Policy (Statement of Principles) is a statutory document, which the Council must have in place by 3rd January 2007 to work with the newly formed Gambling Commission.
- 6.2 The timetable for the implementation of the Act has been changed by the DCMS due to delays with regulations setting out the detail of the new regime.
- 6.3 Applications made under transitional arrangements will not be received until 30th April 2007, at the earliest, and therefore any hearings will not take place until at least June 2007.

7. CONSULTEES

- 7.1 Head of Legal and Democratic Services

8. BACKGROUND PAPERS

Gambling Commission Guidance to Local Authorities
Licence Conditions and Codes of Practice