

Meeting: Council

Date: Wednesday 18 November 2009

Subject: Gambling policy (statement of principles) 2010 - 2013

Report of: Councillor Wallis on behalf of the Cabinet and Councillor Purchase on behalf of the Licensing Act Committee

The Council is asked to consider the minutes and resolutions of the Cabinet meeting held on 21 October 2009 and the Licensing Act Committee meeting held on 11 November 2009. These are set out below.

Further copies of the report to Cabinet are available on request – please see end of this report. Copies may be seen on the Council’s website at:
<http://www.eastbourne.gov.uk/council/meetings/cabinet/>
(N.B. A similarly worded report was submitted to the Licensing Act Committee)

Members will note that the Cabinet and Licensing Act Committee resolutions gave delegated authority for further revisions to be made to the policy if necessary prior to presentation to Full Council. It can be reported that no further revisions were made or are likely to be proposed. Confirmation of this will be given at the meeting.

The schedule setting out the proposed revisions to the policy following public consultation is appended to this report.

The Council is recommended to:-

Approve the proposed changes to the Council’s Gambling Policy (Statement of Principles) which will form the Councils approach to gambling matters under the Gambling Act 2005 for the next three years be approved unless reviewed in the interim.

**Minute Extract
CABINET 21 October 2009**

***76 Gambling policy (statement of principles) 2010 - 2013** (Cabinet, 25 October 2006, page 202, minute 63).

76.1 Cabinet considered the report of the Licensing Manager on a review of the Council’s gambling policy. As the licensing authority, the Council was responsible for issuing premises licences for casino premises, bingo premises, adult gaming centre premises, family entertainment centre premises, and betting premises. The Gambling Act 2005 required the policy to be reviewed at least every 3 years. The current policy had been

approved by full Council in November 2006 and effective as from 1 January 2007. Details of consultations undertaken were given in the report and a summary of proposed amendments appended.

*76.2 **Resolved (policy framework):** (1) That full Council be recommended to approve the proposed changes to the Council's Gambling Policy (Statement of Principles) which will form the Council's approach to gambling matters under the Gambling Act 2005 for the next three years unless reviewed in the interim.

(2) That delegated authority be given to the Senior Head of Community Services in consultation with the lead Cabinet member to make the any further revisions prior to presentation to the Licensing Committee on 11 November 2009 and Full Council on 18 November 2009.

Minute Extract

LICENSING ACT COMMITTEE 11 November 2009

***3 Gambling Policy (Statement of Principles) 2010-2013.**

The Committee considered the report of the Licensing Manager regarding a review of the Council's Gambling Policy.

The current Gambling Policy had been published in January 2007 and set out the principles that the Licensing Authority will generally apply in order to promote the Licensing Objectives when exercising its functions under the Gambling Act 2005. As the Licensing Authority the Council was responsible for issuing premises licences for casino, bingo and betting premises and adult gaming and family entertainment centre premises.

The Council was required to review the policy at least every 3 years. As part of the process, the Council had sought to consult with a range of bodies as to the form and content of the current policy and feedback was also invited via the Council's website.

An overview of those consulted was detailed in the report and had included responsible authorities, trade groups and organisations with an interest in the gambling industry and a range of other interested parties. A summary of the proposed amendments and a revised draft of the policy statement for 2010-2013 were appended to the report.

The revised Policy had been submitted and approved by Cabinet at its meeting on 21 October 2009 and the Committee was invited to comment on the revised draft prior to its submission to full Council for approval on 18 November 2009.

RESOLVED: (1) That the proposed changes to the Council's Gambling Policy (Statement of Principles) which will form the Council's approach to gambling matters under the Gambling Act 2005 for a 3 year period be approved unless reviewed in the interim.

(2) That any further revisions required to the Policy prior to submission to full Council on 18 November 2009 be delegated to the Licensing Manager

in consultation with the lead Cabinet member.

For a copy of the report please contact Local Democracy at the Town Hall, Eastbourne, BN21 4UG. Tel. (01323) 415022 or 415023.
E.Mail: localdemocracy@eastbourne.gov.uk

For further information please contact Kareen Plympton, Licensing Manager, Environmental Health, Tel. (01323) 415937 or internally on extension 5937.
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Appendix

Section of Revised Policy	Eastbourne Borough Council Proposed Amendments To Gambling Policy (Statement Of Principles)
Contents	
	Revised contents to include amended contact details for the Licensing Team
Foreword	
Executive Summary	
	Removal of reference to future receipt of applications This is not relevant since implementation of Act Removal of reference pending publishing of regulations as these are now in place
PART A	
2.7 Page 7	Consultation dates amended
7.0 Page 10	Enforcement – Revisions to take account of changes in practice as per Part 36 of the Gambling Commission’s Guidance to Local Authorities. Protocol between LA’s, Police and the Gambling Commission anticipated in late summer 2009.
8.3 Page 12	Local Authority Functions Inclusion of section on delegation of functions
9.0 Page 12	Inclusion of section on Human Rights Act 1998
PART B	
1.4 Page 13	Definition of “premises”
1.7 Page 14	Multiple licences/Sub division of premises
1.10 Page 16	Definition of Premises “ready for gambling.”
1.15 Page 17	Refined expectations re location of licensed premises to allow greater discretion
1.18 Page 18	Duplication with other regimes. Re-worded to clarify against potential conflict of existing regulatory regimes *ie planning and licensing
PART C	
5.0 Page 35	Temporary Use Notices
Appendices	
	Minor updates to remove references to proposed commencement of Act and update of contact addresses.
	Table updated following change to permitted machine provision by revised regulations from Department of Culture Media and Sport (DCMS)
	Removal of Appendices “Offences under Gambling Act”, “Number and Category of Machines Permitted according to ~Premises Type” and “Under 182 – their access to gambling areas and their ability to participate” These can be subject to change and so become outdated during duration of policy – they will be available separately from the Policy on request.