

Agenda Item No:



Licensing Committee recommendations for consideration by Council at the Council Meeting on Wednesday, 27 February 2013

Licensing Committee – 15 January 2013

11 Updating of Lewes District Council's Gambling Statement of Principles

The councillors present considered Report No 11/13, which outlines the amendments made to the Gambling Statement of Principles that had been revised following the statutory three year period.

As background to the report the Licensing Officer outlined the contents of the report to the Committee, and explained that The Gambling Act 2005 required Licensing Authorities, including the Council, to prepare and publish, for a three year period, a Statement of Principles for their area which they proposed to apply when exercising their functions under the Act. The current Gambling Statement of Principles came into effect on the 1 March 2010. There had been no substantial change in the current legislation and the revised Statement of Principles, contained in Appendix 1 to the report, included only minor and textual amendments.

The Licensing Officer explained that the draft Statement of Principles had been subject to a three month period of statutory consultation as required by legislation. The Council had consulted with all other responsible authorities, the gambling trade, local stakeholders and other interested groups as well as providing an online consultation facility for the public and businesses. The consultation had resulted in one written response which was attached to the report at Appendix 2.

The Licensing Officer then took the Committee through the draft Statement of Principles, drawing attention to each of the proposed changes, highlighted in bold italics in Appendix 1, and responded to questions and suggested textual changes.

The Committee queried why some groups were not included in the list of consultees. The Head of Environmental Health explained that when going through a consultation, target consultees tended to be industry specific. However, on this occasion there had been a public consultation via the website which had allowed parties that were not directly related to the gambling industry to have their say. The Head of Environmental Health agreed that for future consultations, Town and Parish Councils within the District would be included as consultees.

The Head of Environmental Health also agreed that a short briefing note or information sheet relating to the Gambling Act would be created and circulated to Town and Parish Councils, for both Clerks and Councillors.

The Committee asked whether copies of the enforcement guidelines, compliance protocols and written agreements referred to in section 7, Appendix 1, were available. The Head of Environmental Health explained that the Council as a regulatory authority had an overarching corporate enforcement policy, and that underneath that, each department had their own, all of which were available to view on the Council's website, and that he would show them to any member of the Committee if required.

The Committee asked for clarification on section 4, Appendix 1, regarding casinos. As the Statement of Principles stated that the Council had not passed a 'no casino' resolution, the Committee enquired as to what process would be required should the Council wish to pass such a resolution. The Head of Environmental Health provided some detail regarding casino licences and the very tight restrictions around them. He explained that under the current law there was no way for the Council to issue a licence for a casino in the District. However, the casino industry was pushing for changes to Government legislation to lift these restrictions.

The Senior Legal Assistant explained that although changes could not be made to the Statement of Principles without the statutory three month consultation, there was no requirement to only make amendments every three years. Amendments could be made at anytime, particularly if any laws relating to the Gambling Act were to change. Officers confirmed that this process could be started by raising a Notice of Motion at a Council meeting.

Recommended

- 11.1 That the text...“We have prepared a Statement of Principles which is that...” be deleted from the start of paragraph 2, Section 3, Part C, on page 7 of Appendix 1 to Report No 11/13; and.
- 11.2 That the text... “(defined as any bridge, road, lane, footway, subway, square, court, alley, or passage whether a thoroughfare or not)” be added after “...Access must be from a street” in the first bullet point in the paragraph titled “Betting Shops”, Section 1, Part B on page 7 of Appendix 1 to Report No 11/13; and
- 11.3 That the Statement of Principles made under S349 of the Gambling Act as set out in Appendix 1 of Report No 11/13 be recommended to Council for adoption.

Agenda Item No: **6**

Report No: **11/13**

Report Title: **Updating of Lewes District Council's Gambling Statement of Principles**

Report To: **Licensing Committee.** Date: **15 January 2013**

Wards(s) Affected: **All**

Report By: **Director of Planning and Environmental Services**

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Purpose of Report

To consider and approve the amended Gambling Statement of Principles revised after the statutory three year period.

Officers' Recommendation

- That the Licensing Committee receives and considers the revised Gambling Statement of Principles.
- That the Licensing Committee recommends to Council the adoption of the Statement of Principles made under S349 of the Gambling Act 2005.

1. Reasons for Recommendations

To comply with the provisions of the Gambling Act 2005 (the Act), to enable the proper discharge of the Council's responsibilities for the regulation of gaming, betting and lotteries under the Act.

2. Information

- 2.1** The Gambling Act 2005 requires the Licensing Authority (for the purpose of this report, Lewes District Council) to prepare and publish for a three year period, a Statement of Principles for their area which we propose to apply when exercising our functions under the Act.
- 2.2** The current Statement of Gambling Policy was approved by this Council, and came into effect on 1 March 2010.
- 2.3** The Act further requires Licensing Authorities to constantly keep their statement of principles/policy under review, which must be adopted and republished every three years.

2.4 Lewes District Council has formulated its new draft Statement of Principles, taking advice from: the Local Authorities Coordinators of Regulatory Services (LACORS); any updated Gambling Commission guidance; other local authorities; and consulting with responsible authorities and other interested parties, including existing licensed operators.

3. Changes

3.1 We have not received any legal challenge to our existing Policy Statement, nor have we received any adverse comments from the gambling trade or legal profession with regard to our Policy.

3.2 There has been no substantial change in the current legislation and the revised Statement of Principles has simply been updated to include several minor and texting amendments since our current Policy was published in March 2010.

3.3 The amended Statement of Principles is attached as Appendix 1 to this report and illustrates in bold, italic text the recommended changes to the Policy.

4. Consultation

4.1 The new draft Statement of Principles has been subject to a period of statutory consultation as required by legislation. We have consulted with all other responsible authorities, the trade, local stakeholders and other interested groups and have provided an online consultation facility available to the public residents and businesses.

4.2 The consultation period of three months commenced on 24 September 2012 and concluded on 24 December 2012.

4.3 We have received one written response to the formal consultation and this response, together with the relevant document, is attached as Appendix 2.

4.4 The response to the draft Statement of Principles was from the Racecourse Association Limited covering three points relating to The Statement and these have been noted and acted upon where appropriate.

5. Timetable

5.1 Having completed the period of public consultation, the following timetable remains to allow for the legal implementation of the new Gambling Statement of Principles.

Consideration by Licensing Committee	15 January 2013
Consideration by Council	27 February 2013
Publication of Policy	1 March 2013

6. Financial Appraisal

There are no additional financial implications to this report.

7 Environmental Implications

The Environmental Implications Checklist has been completed. Adoption of the new Gambling Statement of Principles will not have any adverse implications or environmental concerns within the District.

8. Risk Management

The following risks will arise if the recommendations are not Implemented:

- Lewes District Council will not have a three year Statement of Principles as required under the Gambling Act 2005.
- No new risks will arise if the recommendations are implemented.

9. Equalities Implications

I have completed the Equalities Implications questionnaire and there are no significant effects as a result of these recommendations

10. Appendices

Appendix 1 – Revised draft Gambling Statement of Principles

Appendix 2 – Response received from The Racecourse Association Limited.