

Body: Cabinet

Date: 9th December 2015

Subject: Gambling Policy (Statement Of Principles) 2016-2019

Report of: Claire Groves, Senior Specialist Advisor

Ward(s) All

Purpose To provide an update to Cabinet following consultation and feedback on the draft revised Gambling Policy for the period 2013 -2016. The Policy sets out the Council's approach to matters under the Gambling Act 2005 for the next 3 years.

Recommendation:

- 1. Note, endorse and approve the proposed changes to the Council's Gambling Policy (Statement of Principles) 2013 – 2016 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. Members are asked to comment upon the draft Gambling Policy 2013-2016 prior to final consideration and approval by Full Council.**

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1.0 Introduction and Background

- 1.1 The Gambling Act came into force on the 1st September 2007.
- 1.2 The legislation established the Gambling Commission, a non departmental public body who advise both central and local government on issues relating to gambling. It issues new operating licences and personal licences required by the Act.
- 1.3 Once these licences are obtained from the Commission, an application must then be made to Eastbourne Borough Council, as the Licensing Authority, for a premises licence and associated permissions to trade.
- 1.4 As the Licensing Authority, the Council is responsible for issuing premises licences for the following:
- Casino Premises
 - Bingo Premises
 - Adult Gaming Centre Premises
 - Family Entertainment Centre Premises
 - Betting Premises

1.5 The Act also passes the responsibility for issuing all types of Gaming Machine Permits to the Local Authority, and alters the manner in which certain categories of lotteries are registered and controlled.

1.6 In exercising functions under the 2005 Act, Local Authorities must have regard to the Licensing Objectives, which are distinct and different from those contained under the Licensing Act 2003. They are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and 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.

2.0 Gambling Policy Statement Of Principles

2.1 To discharge its statutory duties under Section 349 of the Gambling Act 2005, this Authority is required to formulate a three year Gambling Policy (Statement of Principles) that it proposes to apply in exercising its functions under the Act. This version will be effective from February 2016.

2.2 The Gambling Commission is required by Section 25 of the Act to issue Guidance to Licensing Authorities on the discharge of their functions under the Act. It deals primarily with matters intended to assist in the development of the Authority's Gambling Policy (Statement of Principles) and is something that the Authority must have due regard to.

3.0 Gambling Policy Statement and Consultation

3.1 The Gambling Policy (Statement of Principles) must be reviewed at least every three years, and the current policy comes to an end when the latest version is approved by Full Council in February 2016.

3.2 As regards the new Gambling Policy (Statement of Principles), the legislation requires that the final approval for the Policy is given by Full Council.

3.3 The draft review of the Gambling Policy (Statement Of Principles) consultation took place from 1st July 2015 to the 24th September 2015.

3.4 The Gambling Act 2005 requires the Authority to consult with various groups before policy is determined. These include:

- The Chief Officer of Sussex Police covering the Eastbourne Borough
- The Responsible Authorities as defined by the Gambling Act 2005
- "Interested Parties" as defined by the Gambling Act 2005
- HM Revenue & Customs
- Fire Authority
- Child Protection Services
- One or more persons who represent the interests of gambling businesses in Eastbourne
- One or more persons who appear to represent the interests of persons

who are likely to be affected by the implementation of the Gambling Act 2005

3.5 In addition, to enable the broadest range of people and organisations the opportunity to offer their views, a range of others were consulted, including;

- All Eastbourne Borough Councillors
- Gambling Commission
- Premises licence holders who hold a permission issued under the Gambling Act 2005;
- Trade Associations
- Community groups
- Various internal departments

3.6 Copies of the draft policy and feedback forms were made available on the Council's website. Copies were also made available at 1 Grove Road, the Town Hall and Eastbourne Library.

4.0 Implementation Timetable

4.1 The timetable for the review of the policy is tabulated below:

Procedure	Date/s
Public consultation	1 st July – 24 th September 2015
Full Licensing Committee: <ul style="list-style-type: none">- To consider results of consultation- Delegate any further revisions to the Policy in line with their views to the council's Senior Specialist Advisor in consultation with the Chair of the Licensing Committee prior to consideration by Cabinet and Full Council.	5 th October 2015
Seek Cabinet Approval	9 th December 2015
Seek Full Council Approval	17 th February 2016

5.0 Consultation Feedback

5.1 Three responses have been received in relation to the consultation as follows:

- Gosschalks Solicitors on behalf of their client the Association of British Bookmakers (ABB)
- Coral Racing Ltd

- Poppleston Allen Solicitors on behalf of their client Power Leisure Bookmakers Limited.

5.2 None of the responses raised any major issues.

5.3 A small number of changes were made to the Policy. In summary the amendments changed grammatical errors required to provide greater clarification and include an allowance in several paragraphs, for future legislative amendments or guidance from the Gambling Commission.

6.0 Financial & Resource Implications

6.1 All fees are set locally, within a banding specified by Central Government, and the cost of administering the service is fully recovered by way of these fees.

7.0 Conclusion

7.1 The Council's present Gambling Policy reaches the end of its term in February 2016. A revised Policy is required and consultation has been undertaken with various parties to inform this. The revised draft Gambling Policy was agreed by Full Licensing Committee at their meeting on 5 October 2015. A copy of the amended Policy and report to the Council's Licensing Committee and the committee's recommendation can be viewed on the Council's website at <http://democracy.eastbourne.gov.uk/ieDocHome.aspx?bcr=1>

8.0 Recommendations

8.1 Members are asked to agree the recommendations at the beginning of this report.

Background Papers

- Gambling Act 2005
- Gambling Commission Guidance to Local Authorities
- Gambling Commission Licensing, Compliance and Enforcement
- Gambling Commission Codes of Practice
- LACORS/Local Government and Gambling Commission – Gambling Policy Template
- LACORS – Guidance to Local Authorities
- Licensing Committee Report (5/10/15)
- Decision of the Licensing Committee (5/10/15)
- Amended Gambling Policy
- Responses to the consultation
- Summary of amendments.

To inspect or obtain copies of background papers please refer to the contact officer listed above.