

Bath & North East Somerset Council

MEETING:	Licensing Committee
MEETING DATE:	9th October 2012
TITLE:	Review of the Council's Statement of Principles under the Gambling Act 2005.
WARD:	ALL

AN OPEN PUBLIC ITEM

List of attachments to this report:

Annex A; Copy of responses received from the consultation exercise, including officer comments and recommendations.

Annex B; Copy of proposed Statement of Principles showing the proposed changes from the consultation document.

1 THE ISSUE

1.1 The Gambling Act 2005 (The Act) requires that licensing authorities review their Statement of Principles with regard to gambling every three years. Following the completion of a consultation exercise, the Committee are being asked to consider the responses received, and the officer recommendations, before the proposed Statement of Principles provided in Annex B is presented to Full Council for adoption.

2 RECOMMENDATION

The Licensing Committee is asked to agree that:

2.1 The Committee note the responses to the consultation exercise and agree that the officer recommendations should be incorporated into the revised Statement of Principles.

2.2 The draft Statement of Principles, provided in Annex B, is presented to Full Council for adoption.

3 FINANCIAL IMPLICATIONS

- 3.1 The cost of reviewing the Council's existing policy has been carried out by officers from Licensing and Legal Services. The majority of the costs have involved staff time, approximately 5 working days in total, but also include the cost of Democratic Services, the public notices and printing the policy. The cost of carrying out this exercise is approximately £8.5k and will be met from the licensing budget.
- 3.2 The Council has the legal responsibility to review its Statement of Principles, under the Gambling Act 2005, every three years dating from January 2007. The fees charged for the licence fees under the Act cover all activities associated with the prescribed duties including the provision and review of the Statement of Principles.

4 THE REPORT

- 4.1 The Gambling Act 2005 created a new system of licensing and regulation for commercial gambling. Amongst other changes, it gives to local authorities new and extended responsibilities for licensing premises for gambling. In some cases (such as gaming machine arcades), those build on existing responsibilities. But in other major areas, including betting, casino gaming and bingo, they transfer to local authorities responsibilities which previously lay with local licensing justices.
- 4.2 The new Act came fully into force in September 2007. In preparation, each licensing authority was required to develop, consult on and publish a statement of principles, which must set out the principles which the authority proposes to apply in exercising its licensing functions under the Act.
- 4.3 To assist in this process, the Gambling Commission issued Guidance to licensing authorities on the manner in which they are to exercise their functions under the Act, and the principles to be applied by them, in exercising those functions. Licensing authorities are required to take account of all such Guidance when formulating a statement of principles.
- 4.4 The Guidance states that the statement will last for a maximum of three years, but can be reviewed and revised by the authority at any time. The current Statement of Principles is due to be reviewed this year so that a revised version can be in place for the 31st January 2013.
- 4.5 The groups specified in section seven of this report were either e-mailed or written to and were asked to comment on the current policy and asked if they had any suggestions for changes. A copy of the responses received from the consultation exercise, together with officer comments and recommendations are provided in Annex A.
- 4.6 The Committee is being asked to consider the officer recommendations and agree to their inclusion in the revised Statement of Principles.
- 4.7 Officers have also made a number of changes to the policy where addresses or organisations names have changed and the sections relating to the application process to be applied for the casino have been revised following the granting of the licence.

4.8 The Committee are also being asked to agree the revised Statement of Principles, in Annex B, and that the Statement is submitted to Full Council for their approval and adoption.

5 RISK MANAGEMENT

5.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

6 EQUALITIES

6.1 An EqIA has been completed. No adverse or other significant issues were found.

7 CONSULTATION

7.1 Ward Councillor; Cabinet Member; Parish Council; Town Council; Local Residents; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer.

7.2 Following the governments guidelines the draft Statement has been circulated to:-

- the Chief Officer of Police,
- One or more persons who appear to the Authority to represent the interests of persons carrying on gambling businesses in the Authority's area.
- One or more persons who appear to the Authority to represent the interests of persons who are likely to be affected by the exercise of the Authority's functions under the Act.
- A wide range of organisations including voluntary and community organisations working with children and young people, organisations including those that work with people who are problem gamblers, Primary Care Trust and advocacy organisations.

7.3 A letter or e-mail was sent to all of the above with a link to the Council's web site where a copy of the document was made available and, where people did not have access to the internet a hard copy of the document was sent by post

8 ISSUES TO CONSIDER IN REACHING THE DECISION

8.1 Social Inclusion; Customer Focus; Young People; Human Rights; Other Legal Considerations.

9 ADVICE SOUGHT

9.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

Contact person	Andrew Jones, Environmental Monitoring and Licensing Manager. Tel: 01225 477557
Background papers	Guidance to Licensing Authorities issued by the Gambling Commission dated May 2009.
Please contact the report author if you need to access this report in an alternative format	

Gambling Act
Responses to 2012 Consultation

Name of Responder	Details	Officer Comment	Action
Racecourse Association Ltd	<p style="text-align: center;"><u>Revision of Statement of Gambling Licensing Policy - Consultation</u></p> <p>I am writing on behalf of the Racecourse Association, the trade association for horse racecourses in Great Britain. We have reviewed the revision of statement of gambling licensing policy for Bath and North East Somerset Council, to which we would like the opportunity to respond on behalf of our members.</p> <p>Location (Paragraph 12.4) – The proposed location of gambling premises may be taken into account when assessing the application. The Councils are asked to consider that the location of racecourses will not have altered since its foundation, and cannot be transferred to another location.</p>	<p>Agreed, but if a new application is received the Licensing Authority will follow the criteria listed.</p>	<p>No change to policy.</p>

	<p>Conditions (paragraph 13.2) - In certain circumstances the Council may impose additional conditions on racecourses to ensure the licensing objectives are met. The Council is asked to ensure that these conditions do not exceed those premises license conditions outlined in the Premises License Mandatory and Default Conditions.</p> <p>Door Supervisors (paragraph 16.1) - The Councils are asked to be aware that under the Licensing Act 2003 and the Private Security Industry Act 2001, racecourses are already required to provide licensed door supervisors in some roles.</p> <p>Betting machines (paragraph 23.6) - The Councils are asked to note that racecourses do not hold Operating Licenses and consequently any betting machines on racecourses will be provided by other operators. The racecourses will contractually require these operators to fulfil any conditions with regard to</p>	<p>Section 169 of the Gambling Act allows Licensing Authorities to attach conditions. They must however be reasonable and proportionate. The Licensing Authority will continue to judge each application on its own merits.</p> <p>All noted.</p> <p>Noted.</p>	<p>No change to policy.</p> <p>No change to policy.</p> <p>No change to policy.</p>
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	<p>the provision and supervision of these machines.</p> <p>Separate Licenses for Certain Facilities (paragraph 23.9) – The RCA is supportive of the Council’s view that arrangements regarding separate premises licenses for off-course operators will be at the discretion of the racecourse and the betting operator.</p> <p>Condition on Rules Being Displayed (Paragraph 23.10) – The Councils should be aware that it may not be practical for racecourses to print examples of the Standard Rules of betting (Tattersalls Rules) in their racecard or in a leaflet form. However, these will be displayed, in line with the Premises License Mandatory and Default Conditions.</p> <p>Should you wish to discuss the comments raised any further, please feel free to contact either myself or my colleague Holly Cook on 01344 873536 or holly.cook@racecourseassociation.co.uk</p> <p>Kind Regards, Paul Swain</p>	<p>Noted.</p> <p>The licensing Authority have no problem with this as the policy is only making suggestions in this regard.</p>	<p>No change to policy.</p> <p>No change to policy.</p>
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<p>National Casino Industry Forum</p>	<p>30th August 2012</p> <p>Dr Jo Farrar The Chief Executive Bath and North East Somerset Council enquiries@bathnes.gov.uk</p> <p>Dear Dr Farrar,</p> <p>I am writing to you as Chairman on behalf of the National Casino Industry Forum (NCiF) the body that represents over 90% of UK land based casino operators.</p> <p>As we know you're aware there is a requirement, under Section 349 of the Gambling Act 2005, for your Authority to publish a Gambling Policy Statement every three years. You will also be aware that the next Policy Statement is due to come into force on 31st January 2013.</p> <p>As the representative body for the casino industry we would welcome the opportunity to contribute to your consultation process.</p> <p>As you also know, your Authority is one of the 16 in Great Britain that is able to host a 2005 Act casino.</p> <p>Casinos play an important part in the provision of entertainment and hospitality, bringing mature and responsible patrons to our town and city centres.</p>	<p>Letter sent informing them that a provisional statement for a casino premises licence has been granted.</p>	<p>No change to policy</p>
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	<p>Casinos are an attractive and positive addition to the overall offer of our evening economies, without any of the negative experiences of anti-social behaviour sometimes sadly attributable to late night venues. Last year casinos in the UK hosted almost 19 million visits, and provided an important source of local revenue, which could translate to:</p> <ul style="list-style-type: none"> • New £15 million construction investment in local authority areas to help to restore confidence locally • Possibility of Section 106 Agreements to boost local services • Local Authority business rates boosted by £250,000 pa • Areas benefit from £4-5 million of added value in the local economy <p>It is also worth noting that as a, quite properly, highly regulated industry it is also a labour intensive business, providing disproportionately high employment opportunities with typically 100 to 200 staff on a premises. Some current casino venues provide up to 450 jobs (depending on the size of the casino). Employment is met at a local level, often to the young; also the lack of academic qualifications is</p>		
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	<p>not a barrier to employment.</p> <p>Where based, casinos are an important and positive contribution to the night-time economy of an area. They do not contribute to, but instead help to mitigate problems by offering different types of entertainment in the late night economy not centred around social drinking. Casinos add attraction, vigour and variety to our town and city centres and encourage tourism.</p> <p>We would welcome and encourage dialogue with your authority to ensure that any casino premises in your area is viewed positively as contributing to the variety of offer in the night-time economy.</p> <p>Yours sincerely</p> <p>Malcolm Moss</p>		
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